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Network Rail Final Representations for the proposed 17th Supplemental Agreement submitted under Section 22A of the Railway Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and Direct Rail Services Limited dated 14 December 2019.

This letter provides final representations from Network Rail Infrastructure Limited (Network Rail) for the 17th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail Infrastructure Limited (Network Rail) and Direct Rail Services Limited (Direct Rail Services) dated 14 December 2019.

This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024 and 22 November 2024, and the 14 March 2025 ECML General Representation on Complex and/or Competing Applications interacting on 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. As the access rights sought in this application are at the ECML interacting location some of the evidence and data to support our position is contained in the ECML General Representation letter dated 14 March 2025. Network Rail can confirm that based on the facts, data and evidence outlined in this representation and the ECML General Representation letter, it is **partially supportive of this application**.

This application is flagged as interacting at several 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', Direct Rail Services 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.

On 25 October 2024 ORR requested that Network Rail provide further representations for this application. Network Rail responded on 22 November 2024 with a further representation. In that representation we highlighted the following interactions:-

- 24 amended Rights which pass through West Coast Mainline South (ORR listed locations).
- 5 amended Rights with a potential interaction at Mossend/Coatbridge with the Freightliner Intermodal 28th Supplemental Agreement and GB Railfreight 34th Supplemental Agreement.
- 7 amended Rights with potential interactions on Cumbrian Coast and/or the West Coast Mainline North with the Freightliner Heavy Haul 27th and 28th, Freightliner Intermodal 28th, GB Railfreight 34th, Avanti's 11th and 14th Supplemental Agreements and open access aspirations of Lumo and Virgin Trains.
- 12 new Rights for trains which pass through West Coast Mainline South (ORR listed locations)
- 3 new Rights which pass through ECML, Sheffield - Derby, Derby - Birmingham (ORR listed locations)
- 4 new Rights for trains which pass through WCML South, Birmingham to Derby, Derby to Sheffield (ORR listed locations)
- 3 new Rights for trains which pass through ECML Sheffield (ORR listed locations)
- 7 new Rights for trains with a potential interaction at Mossend/Coatbridge with the Freightliner Intermodal 28th Supplemental Agreement and GB Railfreight 34th Supplemental Agreement.
- 3 new Rights for trains with potential interactions on Cumbrian Coast and/or the West Coast Mainline North with the Freightliner Heavy Haul 27th and 28th, Freightliner Intermodal 28th, GB Railfreight 34th, Avanti West Coast's 11th and 14th Supplemental Agreements and open access aspirations of Lumo and Virgin Trains.

As such, we were unable to progress this application until further work was completed in line with the High-Level plan referenced in that representation and submitted to ORR in June 2024, the further detailed plan published August 2024 and updated in January 2025.

Further to this Network Rail issued a General Representation on the East Coast Mainline (ECML) to ORR dated 14 March 2025 and Network Rail Representations concerning the West Coast Main Line (WCML) on 07 February 2025 and 25 April 2025.

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 Section 4 ‘ECML Policy and the ECML Timetable Development’ and Section 8 ‘Details of Access Rights Sought on ECML’

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.

None of the Rights sought in this application interact with these locations.

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.

Summary of Access Rights sought in this application

In their application and as a high-level summary Direct Rail Services is seeking:-

- 37 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 18th SA, and now dated until the end date of the May 2025 timetable in the Direct Rail Services 20th SA General Approval submitted in line with the Interim Approach taken by Network Rail.
- 33 amendments to existing Firm Access Rights (with 1 hour windows).
- 4 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 relate to Intermodal traffic centered on services serving Tesco to/from Daventry and established nuclear traffic for Great British Nuclear at Sellafield. Details of the services can be found in Annexes B, C, D and E.

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.

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:

- Eight of the prospective access rights interact with the ECML
- Forty three of the prospective rights use West Coast Main Line (WCML) South. However, they do not operate into or out of London Euston or on the WCML South fast lines.
- Eleven of the prospective rights use the Birmingham area.
- Seven of the prospective rights use the Sheffield – Derby and Derby – Birmingham routes.
- Three of the prospective rights use Gloucester.

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 accommodated in the December 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 ECML proposed December 2025 Timetable.

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 ECML ESG timetable from development to timetable production, including advanced work to inform timetable risk including aligning cross boundary paths in the ECML ESG 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.

In the representations Network Rail has made to date it has supported some Rights on a Quantum (24hr) basis to enable flexibility in developing the December 2025 timetable and/or where the characteristic of the right being requested was different to the associated train slot. Following completion of Phase 5 of our high level plan, Network Rail would be supportive of a Firm Right with a 1 hour window providing the operator confirms to Network Rail and ORR that they are willing to amend the Right sought to align with the Working Timetable.

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

Where concerns relating to the Rights have been identified we have considered support on a case by case basis, reviewing the specific risks and mitigations in place relating to that service/Right. In some instances Network Rail is unable to support rights where there is increased risk and mitigations are not agreed, not adequate or where Network Rail wants to see if the mitigation outcome is successful.

We are also unable to support rights where an operator has removed a service through 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.

In Annex C, Network Rail has identified six Rights it would be willing to support as Contingent with an expiry date of PCD 2026 only, due to the reasons outlined in the Performance section of this letter. Network Rail would require a footnote to be included with the access right tables included in the supplemental agreement to this effect.

Following review of this application, Network Rail has identified five of the Rights sought that it would not support on the basis of/due to the reasons above. Two of these paths were not included in the proposed ECML ESG December 2025 Working Timetable and were subsequently submitted in DRS's D40 access proposal with different characteristics. Both paths are not accommodated in the December 2025 timetable offer. One of the other paths was requested through the D-40 access proposal for removal from the December 2025 timetable. Network Rail would not look to support a Right where there is no corresponding path in the Working Timetable. In this application, Direct Rail Services are seeking to amend their existing FSX Right for 6A73 Crewe Coal Sidings – Willesden DRS to TWThO and also add a new MO Right. Given the times in the Working Timetable match the existing Right, Network Rail does not support changing this existing Right. For clarity, Network Rail

continues to support the existing Rights as currently stated in the TAC. These are all shown in Annex D.

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.

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 December 2025 timetable. The trains in this category either meet the characteristics and timings consistent with what is included in this application, or, where appropriate, are highlighted with a suggested amendment.

There are fifteen services which have characteristics different to what was originally submitted and we are able to support these as set out below.

- The Right sought for 4D47 (EWD) Inverness Freight Sidings - Coatbridge is for a 19.44 – 20.44 arrival window but the Working Timetable path arrival time is at 21.03. Network Rail would support a 20.33 – 21.33 arrival window.
- The Right sought for 6S55 (SX) Kingmoor Sidings - Hunterston is for a 08.15 – 09.15 arrival window but the Working Timetable path arrival time is at 09.20. Network Rail would support a 08.50 - 09.50 arrival window.
- The Right sought for 6M95 (SX) Dungeness – Crewe Coal Sidings is for a 15.45 – 16.45 departure window but the Working Timetable path departure time is at 16.52. Network Rail would support a 16.22 - 17.22 departure window.
- The Right sought for 6S99 (TWThO) Kingmoor Sidings – Georgemas Jn looks to amend the arrival window. However, the existing Right that Direct Rail Services hold has a departure window that does not align to the Working Timetable path in December 2025. Therefore, Network Rail requests Direct Rail Services amend this departure window as part of this application to 04.51 - 05.51.
- The Right sought for 4D00 (SO) Blackford Freight Terminal - Coatbridge is for a 15.52 – 16.52 arrival window but the Working Timetable path arrival time is at 14.31. Network Rail would support a 14.01 – 15.01 arrival window.
- The Right sought for 4D01 (SX) Blackford Freight Terminal - Coatbridge is for a 15.52 – 16.52 arrival window but the Working Timetable path arrival time is at 14.22. Network Rail would support a 13.52 – 14.52 arrival window.
- The Right sought for 4N31 (SX) Motherwell - Coatbridge is for a 19.31 – 20.31 departure window and an 19.50 – 20.50 arrival window but the Working Timetable path departure time is at 16.59 and the arrival time is at 17.15. Network Rail would support a 16.29 – 17.29 departure window and a 16.45 - 17.45 arrival window.
- The Right sought for 4N32 (SX) Coatbridge - Motherwell is for a 21.03 – 22.03 departure window and an 21.20 – 22.20 arrival window but the Working Timetable path departure

time is at 19.51. Network Rail would support a 16.29 – 17.29 departure window and a 19.21 – 20.21 arrival window.

- The Right sought for 4N50 (SUN) Doncaster iPort – South Bank Tees Dock is for a 17.50 – 18.50 departure window but the Working Timetable path departure time is at 19.01. Network Rail would support a 18.31 – 19.31 departure window.
- The Right sought for 4E49 (MO), (TWThO) and (FO) Daventry - Doncaster iPort is for a 10.08 – 11.08 departure window but the Working Timetable path departure time is at 11.37. Network Rail would support a 11.07 – 12.07 departure window.
- The Right sought for 4H43 (SO) Daventry - Trafford Park is for a 06.10 – 07.10 departure window but the Working Timetable path departure time is at 06.07. Network Rail would support a 05.37 – 06.37 departure window.
- The Right sought for 6V73 (MO) Crewe Coal Sidings - Berkeley is for a 08.59 – 09.29 arrival window but Network Rail would not support a 30 minute window. Network Rail would support a 08.59 – 09.59 departure window.
- The Right sought for 4H47 (EWD) Mossend Up Sidings - Inverness Freight Sidings is for an origin of Mossend Up Sidings but the Working Timetable path departs from Coatbridge (DRS). Network Rail would support Coatbridge (DRS) as the origin point using the same arrival window as Direct Rail Services have applied for.
- The Right sought for 4M48 (FO) Mossend Euro Terminal - Daventry is for an origin of Mossend Euro Terminal but the Working Timetable path departs from Coatbridge (DRS). Network Rail would support Coatbridge (DRS) as the origin point using the same arrival window as Direct Rail Services have applied for.
- The Right sought for 4M77 (SO) Tilbury - Daventry is for a 01.18 – 02.18 departure window but the Working Timetable path departure time is at 02.48. Network Rail would support a 02.18 – 03.18 departure window.

If Direct Rail Services cannot accept our support including these changes then Network Rail cannot currently support the Rights requested with the proposed 1 hour window as part of this representation.

Paths which align to the Rights within the DRS 17th SA present conflicts against rights in the FLHH 27th, FLHH 28th and FLIM 26th SAs, plus East Coast Trains Limited (Lumo NorthWest) and Wrexham, Shropshire & Midlands Railway Company Limited's (WSMR) Section 17 applications. Our final representation on FLHH's 28th SA has been shared and is dated 11 April 2025 and the supplemental agreement has since been withdrawn.. The conflicts with the FLHH 27th are against services which are not in the current timetable and have not been in the access proposal submitted for December 2025 at D-40. We will be providing further details in our representation on FLHH's 27th SA at a later date. Our final representations on the Lumo NorthWest and WSMR Section 17 applications have been shared and are both dated 9 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 DRS 17th SA. Two of the requested rights, within this application, which Network Rail is unsupportive of, 4E70 (SX) Trafford Park – South Bank Tees Dock and 4M75 (SX) South Bank Tees Dock – Trafford Park, have multiple conflicts against the proposed East Coast Main Line December 2025 timetable and associated Section 17 and 22A applications. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

ECML

Please refer to text earlier in this letter.

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

Multiple services in this application have the potential to interact with access applications which have aspirations to operate services up/down the West Coast Main Line North of Preston and were submitted to ORR by 20 May 2024. ORR may wish to consider other applications which traverse this section of the WCML alongside this representation. Network Rail has provided evidence relevant to applications operating on the West Coast Main Line in two general representation letters (07 February 2025 and 25 April 2025), in which Network Rail sets out its position of not supporting additional services which utilise the West Coast South Fast Lines.

Fifteen Rights sought in this application are for train services which operate with electric locomotives. All these are for existing services which currently run on the WCML. Large parts of the WCML power system are currently operating at or near capacity. Of the fifteen Rights, four are not routed via the power supply sources where there is concern. Of the remaining eleven, nine run outside the times or days of the week where there are concern. That leaves two services which run through the constrained area during the times of concern. However, these are existing Firm Rights for which DRS are seeking minor amendments. Not supporting the amendment will not change the impact on power supply as the amendment is only changing the origin/destination from Mossend to Coatbridge – a difference of four miles outside of the constrained areas.

However, we will monitor the system for any change. 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.

Gloucester

The Gloucester area is highly constrained, and any application for this area also needs consideration of services via Cheltenham, which bypass it, but interact with the wider Gloucester area. Service levels are limited by the complex interacting crossing movements at Gloucester Yard Junction, Gloucester Barnwood Junction, Gloucester station area and the shunt moves required at Cheltenham for services terminating there. The long-distance nature of many of the passenger and freight services in this area further restrict flexibility due to the need to align with paths through Bristol, South Wales and the West Midlands.

To assist in informing on capacity, Network Rail have assessed the number of conflicting moves between the December 2024 timetable and the assessment database being used to complete timetable capacity analysis to support the Complex/Competing Rights workstream. The exercise demonstrates:

- A slight increase in potentially conflicting moves at Gloucester Yard Junction
- More significant increase of 11 % at Barnwood Junction and 7 % at Horton Road Junction
- Increase in movements across Horton Road level crossing would also be a concern (currently c.330 per day)

Comparison of Gloucester area conflicting movements

	December 2024	With IR applications
Barnwood Jn Down Main towards Gloucester	91	101
Gloucester Yard Jn Up Main from Gloucester	60	61
Horton Road Jn from Barnwood Jn and towards Gloucester Yard Jn	151	162

In addition to the conflicting routings referred above, there are other constraints in the Gloucester area:-

1. Restricted routing of services at the east end of the station results in conflicts when platform 1 is occupied (Figure 1). This can constrain the availability of paths for example from the Barnwood Jn direction towards Severn Tunnel Jn when a route via platform 1 is not available.

- Platform length limitations affect platforming of longer Intercity Express Train (IET) formations. This restricts the ability to flex passenger services to facilitate paths for additional freight services.
- Services terminating and shunting at Cheltenham Spa restrict capacity to / from the West Midlands for both passenger and freight services.
- Severn Tunnel Junction layout also impacts on availability of paths towards Gloucester for both passenger and freight services.

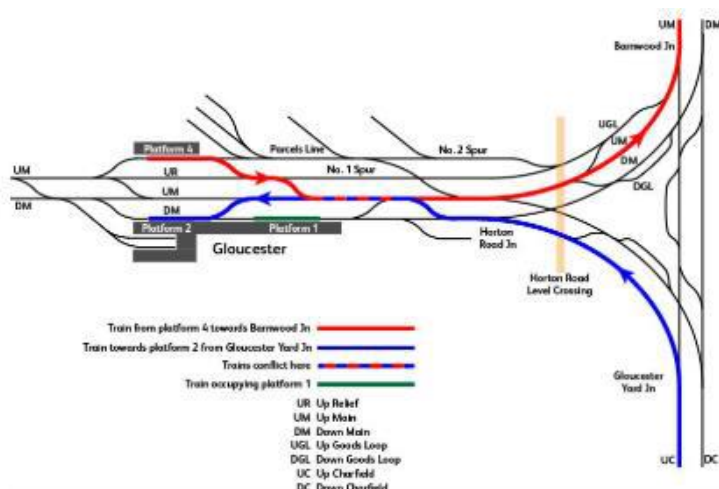


Figure 1 – routing constraints when platform 1 is occupied

- Frequency increases affecting Gloucester are envisaged by the promoters of both the MetroWest and the South Wales Metro projects. NRIL published its Greater Bristol Rail Network Strategic Study in February 2023 (Greater Bristol Rail Network Strategic Study February, 2023), with recommendations for this interacting major nearby area including consideration of the Bristol to Gloucester route.
- Furthermore, there is a major level crossing located close to Gloucester station (Horton Road Level Crossing). Our assessment of the impact of this application as well as other interacting access rights applications suggest that the barrier downtime at Horton Road Level Crossing is tolerable. Our rationale is as follows:

At Manually Controlled Barrier (MCB) type crossings, such as Horton Road Level Crossing, the barrier down time per train is often in the 3-minute area, as opposed to Automatic

Crossings which are often around the 30 second area. This provides a different risk to consider. Essentially there is a collision risk and convenience risk. Due to the length of barrier down time at MCB type crossings, an additional train can end up more than doubling the time a user waits at the crossing as this train may fit in a slot where the barriers were previously raised for a few minutes, affecting road commuter's plans. The overnight service operation described in this application mean less collision risk is introduced and significantly less convenience risk than a regular passenger service uplift. Therefore, minor additional quantum freight trains traversing Horton Road Level Crossing and corresponding additional nighttime barrier downtime is less intrusive than a new regular passenger service which drops the barriers at frequent times.

Our assessment of this application alongside the other interacting access rights applications considers that the barrier downtime at Horton Road Level Crossing is not a concern.

Although there is an increase in movements across Gloucester as a result of the Section 22A applications, the three Rights applied for in this application that pass through Gloucester are not a concern, can be accommodated from a timetable capacity perspective and do not conflict with other applications. In addition, all three of these services pass through Gloucester overnight outside of times when capacity and level crossing risks are higher.

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. However, there are three Rights within this application for paths that run to/from Wentloog which use the main line between Newport and Cardiff Central as far as the terminal (to/from the Newport direction) therefore, the Rights sought should not be impacted by that strategic workstream.

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

The following services have not met the criteria but are supported with robust mitigation plans in place (outlined below) :

HCode	Journey	Trains Ran	RTD failure	RTD %	FOC on TP PfPI DM	FOC on TP Distinct TIN Count
4S44	12:xx DAVENTRY INT RFT RECEP FL TO COATBRIDGE (DRS)	256	58	77.30 %	890	55
Comments	This train went through a poor period of departure performance from Daventry from period 6 to 10 but has since improved significantly as a result of work Direct Rail Services have done jointly with JG Russells. Performance had been hampered by network delays on the inbound 4M49, loco failures and					

	terminals issues including crane reliability. They are seeing much better performance culminating in 83.3 % departure performance in period 13.							
	Daventry RTD	Period 8	Period 9	Period 10	Period 11	Period 12	Period 13	Average
	4S44	62.5 %	58.3 %	57.1 %	72.7 %	66.7 %	83.3 %	66.8 %
	In addition, the operator holds an existing firm right and are seeking an amendment to destination from Mossend to Coatbridge. Not supporting this right would have no bearing on performance as the service would continue to run departing Daventry.							
4L48	13:xx DAVENTRY DRS (TESCO) TO TILBURY2 CONTAINER TML FL	178	43	75.80 %	3898	38		
Comments	<p>4L48 is consistently the worse performing train for late starts from Daventry, driven by terminal capacity challenges, delays during train prep and poor class 66 fleet reliability. Service Delivery colleagues have introduced the following actions at Daventry to reduce late starts and especially focus on 4L48.</p> <ul style="list-style-type: none">• Weekly performance meetings with Tesco, Malcolms and Maritime to investigate root cause of late starts.• On-site monitoring of third-party performance.• Deploying more class 68s and 88s to improve reliability.• Introduction of a 'hot' stand-by loco at Daventry.• Introduction of on-site fitters at Daventry. <p>Encouragingly, Direct Rail Services have seen the initiatives taken driving much improved performance for the train, with 60.9 % achieved in period 13. This is still too low and Direct Rail Services are working with capacity planning colleagues and other operators to identify a later path for this train to eradicate the remaining late starts.</p>							
	Daventry RTD	Period 8	Period 9	Period 10	Period 11	Period 12	Period 13	Average
	4L48	37.5 %	37.5 %	45.0 %	25.0 %	33.3 %	60.9 %	39.9 %
	Similar to 4S44, the operator holds an existing Firm Right for 4L48 and are seeking an amendment to destination from Purfleet to Tilbury. Not supporting this Right would have no bearing on performance as the service would continue to run departing Daventry.							

For both of the following services, right time departure from Daventry is poor so Network Rail would only look to support these services as Contingent Rights until PCD 2026 at the current time. Network Rail would require a footnote detailing this expiry to be included in the supplemental agreement entered into.

HCode	Journey	Trains Ran	RTD failure	RTD %	FOC on TP PfPI DM	FOC on TP Distinct TIN Count
4E49	10:xx DAVENTRY DRS (TESCO) TO DONCASTER IPORT	142	32	77.50 %	1650	30
Comments	Direct Rail Services are aware of the challenges with this train and the data confirms some significant FOC causes as well as some from Network Rail. The performance team are					

	monitoring it alongside Service Delivery colleagues to identify delay causes and mitigate impact on other operators. The late arrival of inbound 4M51 can impact this train – see comments under that headcode although performance has improved in periods 11, 12 & 13, compared with the three period previous.							
	Daventry RTD	Period 8	Period 9	Period 10	Period 11	Period 12	Period 13	Average
	4E49	77.3 %	75.0 %	57.9 %	87.5 %	66.7 %	83.3 %	74.6 %
4M51	00:xx SOUTH BANK TEES DOCK (DRS) TO DAVENTRY DRS (TESCO)	95	40	57.90 %	106	8		
Comments	The punctuality of 4M51 is critical to the Daventry operation so it is important for the smooth delivery of the daily plan. It conveys wagons and loads that work through on other services. Direct Rail Services have worked with Network Rail colleagues and route controls to keep a focus on 4M51 and especially working to get it back to schedule through positive regulation when already running late s. Class 66 fleet reliability issues have also plagued this train, and Direct Rail Services therefore now deploy class 68s whenever possible.							

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 that we can partially support the access rights sought in this application as Firm 1 hour windows, or as Contingent Rights with 1 hour windows, with amendments to timing loads and windows where relevant, as outlined in this representation, Annex B and Annex C. We also support the relinquishment of one access right detailed in Annex E.

This letter also confirms we do not support the access rights detailed in Annex D as the services are not in the proposed December 2025 timetable and are in line with ORRs guidance on the Use of capacity (Office Rail and Road, 2022, Guidance on the Use of Capacity, ORR.gov, <https://www.orr.gov.uk/sites/default/files/2022-07/guidance-on-the-use-of-capacity.pdf>, reference, 01/06/2025) where the operator has not demonstrated a clear intention and ability to use the capacity.

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



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	Withdrawn	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
4L50	SO	16:00	17:00	Daventry (Tesco)	Tilbury2	19:45	20:45
4B43	SO	14:50	15:50	Trafford Park	Daventry (Tesco)	17:44	18:44
4B43	SX	16:50	17:50	Trafford Park	Daventry (Tesco)	20:11	21:11
4E65	SUN	09:31	10:31	Mossend Up Yard	South Bank Tees Dock	16:09	17:09
4H43	SX	08:14	09:14	Daventry (Tesco)	Trafford Park	13:09	14:09
4H43***	SO	06:10	07:10	Daventry (Tesco)	Trafford Park	10:09	11:09
4L00	SO	06:48	07:48	Coatbridge	Blackford Freight Terminal	07:51	08:51
4L00	SX	06:48	07:48	Coatbridge	Blackford Freight Terminal	07:51	08:51
4M37	MSX	02:33	03:33	Wentloog	Daventry (Tesco)	07:17	08:17
4M38	SO	02:23	03:23	Wentloog	Daventry (Tesco)	07:13	08:13
4M52	SO	23:44	00:44	South Bank Tees Dock	Daventry (Tesco)	06:30	07:30
4M75	MSX	02:14	03:14	Tilbury2 Container	Daventry (Tesco)	06:15	07:25
4N28	SX	09:40	10:40	Motherwell	Coatbridge	10:03	11:03
4N29	SX	10:43	11:43	Coatbridge	Motherwell	10:58	11:58
4V46	SX	19:00	20:00	Daventry (Tesco)	Wentloog	23:30	00:30
6C50	SO	00:42	01:42	Crewe Coal Sidings	Sellafield B.N.F.	06:41	07:41
6C44	SO	10:13	11:13	Sellafield B.N.F.	Carlisle Kingmoor Sidings	12:06	13:06
6M95	MTWFO	16:10	17:10	Dungeness	Crewe Coal Sidings	00:25	01:25
6V73***	MO	04:03	05:03	Crewe Coal Sidings	Berkeley	08:59	09:29
4M07	SO	07:32	08:32	Tilbury 2	Daventry (Tesco)	12:11	13:11
4S45	FO	18:10	19:10	Daventry Int Rft Recep FL	Coatbridge DRS	00:45	01:45
4S44	SX	11:50	12:50	Daventry Int RFT Recep FL	Mossend Down Yard -Coatbridge DRS	20:00	21:00
4S44	SO	11:32	12:32	Daventry Int RFT Recep FL	Mossend Down Yard -Coatbridge DRS	19:40	20:40
4M49	MSX	00:01	01:01	Mossend Down Yard -Coatbridge DRS	Daventry Int RFT Recep FL	06:03	07:03
4M49	SO	00:15	01:15	Mossend Down Yard -Coatbridge DRS	Daventry Int RFT Recep FL	07:00	08:00
4S45	SX -FSX	18:10	19:10	Daventry Int RFT Recep FL	Mossend Down Yard -Coatbridge DRS	00:45	01:45
4S45	SUN	18:10 -15:28	19:10 -16:28	Daventry Int RFT Recep FL	Mossend Down Yard -Coatbridge DRS	01:05 -23:11	02:05 -00:11
4M27	SX	05:13	06:13	Mossend Down Yard -Coatbridge DRS	Daventry Int RFT Recep FL	12:27	13:27
4M27	SO	05:19	06:19	Mossend Down Yard -Coatbridge DRS	Daventry Int RFT Recep FL	12:01	13:01
4M82	SUN	15:25	16:25	Mossend Down Yard -Coatbridge DRS	Daventry Int RFT Recep FL	23:25	00:25
4H47***	MSX -EWD	04:34	05:34	Mossend Up Yard	Inverness FY -Inverness Freight Sidings	10:27 -09:04	11:27 -10:04
4M48***	FO	18:34	19:34	Mossend Euro Terminal	Daventry (Tesco)	02:04 -01:33	03:04 -02:33
4L48	SUN	12:39	13:39	Daventry (Tesco)	Purfleet Deep Water -Tilbury 2	17:56 -15:47	18:56 -16:47
4L48	SX	13:21	14:21	Daventry (Tesco)	Purfleet Deep Water -Tilbury 2	19:13 -16:32	20:13 -17:32
4M77	MSX	00:15 -03:30	01:15 -04:30	Purfleet Deep Water -Tilbury 2	Daventry (Tesco)	06:20 -07:19	07:20 -08:19

4M77***	SO	00:15 -01:18	01:15 -02:18	Purfleet Deep Water -Tilbury 2	Daventry (Tesco)	06:20	07:20
4L27	MO	01:10	02:10	Daventry (Tesco)	Tilbury R.C.T. -Tilbury 2	04:50	05:50
4L27	MSX	00:10	01:10	Daventry (Tesco)	Tilbury R.C.T. -Tilbury 2	03:26	04:26
4L27	SO	00:22	01:22	Daventry (Tesco)	Tilbury R.C.T. -Tilbury 2	03:36	04:36
4M07	SX	09:25	10:25	Tilbury R.C.T. -Tilbury 2	Daventry (Tesco)	14:16 -13:44	15:16 -14:44
4M07	SUN	08:16	09:16	Tilbury R.C.T. -Tilbury 2	Daventry (Tesco)	13:17	14:17
6M23	MSX -SX	11:47	12:47	Hunterston	Sellafield BNF	17:33	18:33
6V73	SX -MSX	04:03	05:03	Crewe Coal Sidings	Berkeley	08:49	09:49
6C52	SX	15:49 -16:15	17:49 -17:15	Heysham	Sellafield B.N.F.	18:22 -18:30	19:22 -19:30
6O62	MSX	01:38 -00:30	02:38 -01:30	Crewe Coal Sidings	Dungeness	09:34	10:34
6O62	SO	01:38 -23:57	02:38 -00:57	Crewe Coal Sidings	Dungeness	07:06	08:06
6C46	SO	12:26 -13:02	13:26 -14:02	Sellafield B.N.F.	Kingmoor Sidings (DRS)	14:23 -15:04	15:23 -16:04
6C22	SX	06:26 -07:01	07:26 -08:01	Kingmoor Sidings (DRS)	Sellafield B.N.F.	08:17 -08:52	09:17 -09:52
4D47***	SO -EWD	12:49	13:49	Inverness FY -Inverness Freight Sidings	Mossend Up Yard	17:26 -19:44	18:26 -20:44
6S55***	MSX -SX	04:41	05:41	Kingmoor Sidings (DRS)	Hunterston	08:09 -08:15	09:09 -09:15
6M95***	SX	16:05 -15:45	17:05 -16:45	Dungeness	Crewe Coal Sidings	00:41	01:41
6S99***	TWT hO	05:26	06:26	Carlisle Kingmoor sidings	Georgemas Jn	18:47 -20:39	19:47 -21:39
4S67	SUN	18:30	19:30	South Bank Tees Dock	Mossend Up Rec	00:01	01:01
4D00***	SO	11:19	12:19	Blackford Freight Terminal	Coatbridge	15:52	16:52
4D01***	SX	11:21	12:21	Blackford Freight Terminal	Coatbridge	15:52	16:52
4N31***	SX	19:31	20:31	Motherwell	Coatbridge	19:50	20:50
4N32***	SX	21:03	22:03	Coatbridge	Motherwell	21:20	22:20
4N50***	SUN	17:50	18:50	Doncaster Iport	South Bank Tees Dock	20:25	21:25

***These are dependent on Direct Rail Services 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 body of the letter.

Annex C – Rights that Network Rail can support as Contingent 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
4E49	SUN	09:48	10:48	Daventry (Tesco)	Doncaster iPort	16:19	17:19

4E49	FO	10:08	11:08	Daventry (Tesco)	Doncaster iPort	16:19	17:19
4E49	TWT HO	10:08	11:08	Daventry (Tesco)	Doncaster iPort	16:19	17:19
4E49	MO	10:08	11:08	Daventry (Tesco)	Doncaster iPort	16:19	17:19
4M51	MSX	00:07	01:07	Tees Yard	Daventry (Tesco)	06:16	07:16
4M51	SUN	23:17	00:17	South Bank Tees Dock	Daventry (Tesco)	06:14	07:14

Annex D – 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
4E70	SX	04:30	05:30	Trafford Park	South Bank Tees Dock	13:00	14:00
4M75	SX	15:30	16:30	South Bank Tees Dock	Trafford Park	23:30	00:30
6D41	MO	04:58	05:58	Crewe Coal Sidings	Valley NE	07:34	08:34
6A73	MO	21:43	22:43	Crewe Coal Sidings	Willesden DRS	01:26	02:26
6A73	FSX TWThO	21:43	22:43	Crewe Coal Sidings	Willesden DRS	01:28	02:28

Annex E – Rights that Direct Rail Services want to relinquish

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To
4H47	SO	04:34	05:34	Mossend Up Yard	Inverness FY	09:18	
4H47	MO	04:35	05:35	Mossend Up Yard	Inverness FY	09:18	
4D47	SX	12:49	13:49	Inverness FY	Mossend Up Yard	17:26	
4M77	SUN	21:10	22:10	Purfleet Deep Water	Daventry (Tesco)	06:20	
6D41	SX -MSX	05:11	06:11	Crewe Coal Sidings	Valley NE	07:28 -08:22	