



Sarah McCarthy  
Customer Relationships Executive  
Network Rail  
Waterloo General Office  
London  
SE1 8SW

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

11 July 2025

**Network Rail Representations for the 2<sup>nd</sup> Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail Infrastructure Limited and Devon and Cornwall Railways Limited dated 06 August 2019.**

This letter provides final representations from Network Rail Infrastructure Limited (Network Rail) for the 2nd Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Devon and Cornwall Railways Limited (DCR) dated 06 August 2019.

This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024, and 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 further 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, 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 evidence 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, 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', DCR submitted this application to the ORR on 19 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 raised to ORR at the time and there is nothing outstanding from our initial representations on 28 June 2024.

Further to this Network Rail issued a General Representation on the East Coast mainline (ECML) to ORR dated 14 March 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', Section 5 'Unused LNER Firm Rights', Section 6 'Congested Infrastructure' and Section 8 'Details of Access Rights Sought on ECML'.

### **Unused London North Eastern Railway (LNER) Firm Directed Rights**

The ECML ESG Timetable does not include the Unused LNER Firm Directed Rights as stated in paragraph 5 in Network Rail's ECML General Representation letter to ORR dated 14 March 2025.

The ECML Timetable planned for introduction in December 2025 does not include 8 LNER firm rights Monday to Saturday, 7 firm rights Sunday Only, between London King's Cross and Leeds via Wakefield or Micklefield directed by ORR in 2016.

The specification for the LNER service to/from London King's Cross had been reduced from 6.5 trains per hour (tph) to 6 tph with agreement from the DfT in 2021. This reduction retained the 0.5 tph London King's Cross – Middlesbrough service, albeit as far as York, with the 0.5 tph London King's Cross – Leeds service being descoped. ECML Programme Board on 21st March 2021 noted the recommendation from East Coast Route to defer the 0.5 tph London King's Cross – Leeds service, including the conditional outcome of journey time reduction between London Kings Cross and Leeds, to a post-ECML ESG [December 2025] future timetable change.

As of 14 March 2025 Network Rail have formally declared congested infrastructure on relevant routes between Huntingdon North Junction (Jn) and New England North Jn (Peterborough) and Doncaster Marshgate Jn and Leeds Copley Hill West Jn.

Work undertaken for the ESG has shown definitively that this 0.5 tph London King's Cross – Leeds service uplift cannot be accommodated alongside the other ESG outputs. As such the service cannot

run in this timetable or future timetables, alongside the other industry endorsed aspirations without additional infrastructure and associated development activity, which is currently unfunded and uncommitted.

### **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.

There is one line of route that this application is proposing access rights for:

- 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, either full or in part, the timetable work above namely 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 ECML December 2025 Timetable, we are referring to whether the access rights align to the above Timetable work which makes up the ECML December 2025 Timetable.

### **Summary of Rights Sought**

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

- 47 Firm Access Rights with 1 hour windows to commence on approval until 6 August 2026 (current expiry date of the Track Access Agreement). 19 of these trains are currently running under Contingent Rights, originally for the December 2024 timetable as a General Approval in the 4<sup>th</sup> SA, and now dated until the end date of the May 2025 timetable in the DCR 6<sup>th</sup> SA General Approval submitted in line with the Interim Approach taken by Network Rail.

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

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 aggregates traffic. 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:

- Two of the prospective Access Rights interact with the ECML.
- Two of the prospective Rights pass through Sheffield.
- Eight of the prospective Rights use the Sheffield – Derby route.
- Three of the prospective Rights use the Derby – Birmingham route.
- One of the prospective Rights uses the Birmingham area.
- Twenty five 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 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 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.

### **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 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 review of this application, Network Rail has identified thirty three of the Rights sought that it would not support as the paths associated with the Rights were not submitted in DCR's Access Proposal at D-40 for the December 2025 timetable and thus are not contained in the December 2025 Working Timetable.

In addition, the Rights sought for 6Z90 (SUN) (MTO) Chaddesden – Tunstead only has an associated path in the December 2025 Working Timetable on Sundays so Network Rail is unable to support the Monday and Tuesday Rights. Similarly, 6Z69 (SUN) (MTO) Tunstead – Humberstone Road only has an associated path in the December 2025 Working Timetable on Mondays so Network Rail is unable to support the Sunday and Tuesday Rights. It is worth noting this train has been offered in the December 2025 Working Timetable with a different headcode, 6M71. Finally, 6Z92 (SUN) (MTO) Humberstone Road – Chaddesden only has an associated path in the December 2025 Working Timetable on SX so Network Rail is unable to support the Sunday Right and would only support MTO as the Right described. Network Rail would support a MTO right as requested by DCR provided that the path in the December 2025 Working Timetable can be amended to be MTO. As DCR have not requested a right for a Wednesday to Friday inclusive, the service will be unable to run on these days and would be utilising capacity in the timetable another operator could use. It is worth noting this train has been offered in the December 2025 Working Timetable with a different headcode, 6D59.

As part of this application, Rights were sought for 6Z70 (SX) Willesden DC Rail Sidings – Grain Aggregate Terminal and 6Z71 (SX) Grain Aggregate Terminal – Willesden DC Rail Sidings. The Right sought for 6Z70 has a departure window of 04.38 - 05.38 and an arrival window of 07.10 - 08.10 but the offered December 2025 paths are for a 07.26 departure and 09.56 arrival. The

Right sought for 6Z71 has a departure window of 10.05 - 11.05 and an arrival window of 12.54 - 13.54 but the offered December 2025 paths are for a 14.35 departure and 17.29 arrival. In addition, the Rights sought for both trains are for SX paths but the corresponding paths in the December 2025 timetable are only offered as TThFO. As these paths have been offered in the December 2025 timetable as significantly different from the original application and, given Network Rail has consulted on one set of origin windows, departure windows and days run, we would not be supportive of characteristics that are this significantly different. It is also worth noting the offered path associated with the Right sought for 6Z70 has a headcode of 6034 and the path associated with the Right for 6Z71 has a headcode of 6M91.

Two of unsupported rights within this application, and which Network Rail is not supported of, are not included in the December 2025 Timetable and would be additional to the proposed ECML ESG December 2025 timetable. The unsupported rights, which would run on the ECML, would likely 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.

### **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. Concerns were raised by Chiltern and Greater Anglia relating to specific headcodes in this application during consultation.

- Chiltern raised that due to the 2 single lines top and tailing the Chiltern route (Greenford South Jn to South Ruislip and Princes Risborough to Aylesbury) it is essential there is an agreed industry contingency plan for these services to manage the impact if and when they arrive late from the Western Route or from Quainton terminal.
- Chiltern also raised that 2H55 1552 Aylesbury – London Marylebone is one of Chiltern's worst performing trains due to 6Z52's performance. Whilst Chiltern were appreciative of amending 6Z52 so it did not go via Willesden, they asked further scrutiny of terminal departure times and cross route operation is required. However, this a Right is not supported by Network Rail in this application and the train was not included in the December 2025 Working Timetable offer at D-26.
- Chiltern raised that the days run for 6Z21 is incorrect (currently FSX – should be MSX). This has been picked up in the **Capacity** section so please refer to our comments there.
- Chiltern raised that for 6Z27, the arrival window at Aylesbury North Loop does not appear to be correct. This has been picked up in the **Capacity** section so please refer to our comments there.
- Greater Anglia believes the proposed FO 6Z84 service comes with unacceptable performance risk to all operations at Ely, this path incorporating a run round at Ely during the busy pm peak and Greater Anglia do not support this. However, this is a Right not supported by Network Rail in this application and the train was not included in the December 2025 Working Timetable offer at D-26.
- Greater Anglia also raised in respect of 6Z82, 6Z83 & 6Z84 it's possible there is a slot between Ely North Jn and Brandon across an hour timeframe, however the proposed times will limit any future passenger aspirations to increase services during the evening peak period between Norwich and Ely in both directions. Greater Anglia believe passenger revenues on this route, given its airport connections, far outweigh that of Devon & Cornwall's proposed operation. However, these Rights are not supported by Network Rail in this

application and the trains were not included in the December 2025 Working Timetable offer at D-26.

### **Potential Future Traffic**

DCR was expected to submit access proposals for both the May 2025 and December 2025 Working Timetables through the WTT process outlined in Part D of the Network Code. A number of Rights had no corresponding path submitted in an Access Proposal for May 2025 or December 2025 timetables. These rights within the application no longer relate to the purpose of the competing and/or complex applications workstream – to make decisions for the three timetables stipulated in ORR letter of 24 April 2024, and therefore, Network Rail is not supportive of the rights.

As a general point of principle, Network Rail would normally only support access rights for future traffic where there is clear evidence of an operator's prospects of winning business and requiring use of the capacity. Network Rail does not support access rights unless there is a clear intention and ability to use the capacity in question, in order to ensure capacity is not reserved for services with limited prospect of being operated. This aligns with ORR published guidance on the Use of Capacity.

We do not expect ORR to make a direction in support of these access rights for the reasons we have outlined above, however should it be minded to do so, we want to be clear that further discussion would be needed on network and terminal restrictions.

### **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 ten 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 6Z21 (MO) Willesden DC Rail Sidings – Quainton Railhead is for a 2600t timing load but the Working Timetable path is a 2400t timing load. Network Rail would support a 2400t timing load. It is also worth noting the path associated to this Right is MWO. Given an FSX Right is sought from Wembley Yard in addition to this Mondays only Right, Network Rail could support this as MWO Right providing the FSX Right is amended to TThFO. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6M23.
- The Right sought for 6Z21 (FSX) Wembley Yard – Quainton Railhead is for a 2600t timing load but the Working Timetable path is a 2400t timing load. Network Rail would support a 2400t timing load. It is also worth noting the path associated to this Right is TThFO. Please see the above paragraph for how Network Rail could support the Wednesday only Right. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6M23.
- The Right sought for 6Z27 (SX) Quainton Railhead – Aylesbury North Loop is for a 08.11 – 09.11 arrival window but the Working Timetable path arrival time is 09.43, Network Rail would support a 09.13 - 10.13 arrival window. In addition, the Right sought includes a Heavy Axle Weight timing load. As this service is for stock balancing and thus hauls empty wagons, this is not required, and Network Rail would support a 600t timing load. It is also

worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6A27.

- The Right sought for 6Z24 (FSX) Tytherington – Wembley Yard is for a 2600t timing load but the Working Timetable path is a 2400t timing load. Network Rail would support a 2400t timing load. In addition, the Right sought is for a 02.39 – 03.39 arrival window but the Working Timetable path arrival time is 02.04. Network Rail would support a 01.34 - 02.34 arrival window. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6M29.
- The Right sought for 6Z24 (SO) Tytherington – Wembley Yard is for a 13.25 – 14.25 departure window and a 16.47 - 17.47 arrival window but the Working Timetable path departure time is 14.40 and the arrival time is 19.14. Network Rail would support a 14.10 - 15.10 departure window and a 18.44 - 19.44 arrival window. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6V24.
- The Right sought for 6Z50 (SX) Bristol East Depot – Tytherington is for a 03.08 – 04.08 departure window and a 18.08 – 19.08 arrival window but the Working Timetable path departure time is 03.49 and arrival time is 04.48. Network Rail would support a 03.19 - 04.19 departure window and a 04.18 - 05.18 arrival window. In addition, the Right sought includes a Heavy Axle Weight timing load. As this service is for stock balancing and thus hauls empty wagons, this HAW timing load is not required, and Network Rail would support a 600t timing load. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6B01.
- The Right sought for 6Z50 (FO) Appleford Sidings – Willesden DC Rail Sidings is for Fridays only but the associated path is SX. Network Rail would support a SX path. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6N01.
- The Right sought for 6Z61 (SX) Bristol East Depot – Tytherington is for a 16.20 – 17.20 departure window but the Working Timetable path departure time is 16.06. Network Rail would support a 15.36 - 16.36 departure window. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6M18.
- The Right sought for 6M08 (SX) Plumstead – Willesden DC Rail Sidings is for a 15.30 – 16.30 departure window but the Working Timetable path departure time is 16.37. Network Rail would support a 16.07 - 17.07 departure window.
- The Right sought for 6Z69 (SUN) (MTO) Tunstead – Humberstone Road is for a 06.10 – 07.10 arrival window but the Working Timetable path arrival time is 07.54. Network Rail would support a 07.24 - 08.24 arrival window on Mondays only (please refer to **Rights not supported** section). In addition, DCR are seeking a 5 minute stop before a propelling move at Humberstone Road headshunt. The Timetable Planning Rules state a 2 minute stop for this movement. Network Rail supports the Rights showing a 2 minute stop to align with the Timetable Planning Rules. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6M71.
- The Right sought for 6Z92 (SUN) (MTO) Humberstone Road – Chaddesden is for a Sunday, Monday and Tuesday only Right but the associated path is SX. Network Rail would support a SX Rightpath only (please refer to **Rights not supported** section). In addition, the Right sought includes a Heavy Axle Weight timing load. As this service is for stock balancing and thus hauls empty wagons, this is not required, and Network Rail would support a 600t timing load. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6D59.

The aspirational rights in this application, not supported by Network Rail, are not included in the December 2025 Timetable and, for those which run on the ECML, would be additional to the proposed ECML December 2025 timetable. The unsupported rights, which would run on the ECML, have multiple conflicts against the proposed East Coast Main Line December 2025 timetable and associated Section 17 and 22A applications.



Away from the ECML, paths which align to the Rights Network Rail is unsupportive of within the Devon and Cornwall Railways Limited 2<sup>nd</sup> Supplemental Agreement present conflicts against the May 25 timetable and rights in the applications listed below. Were ORR to direct the rights unsupported by Network Rail, the decision could impact the applications and Network Rail's position on the below:

- XC Trains Limited 38th Supplemental Agreement
- DB Cargo UK Limited 88th Supplemental Agreement
- Freightliner Heavy Haul Limited 26th Supplemental Agreement
- Freightliner Heavy Haul Limited 27th Supplemental Agreement
- Freightliner Limited 26th Supplemental Agreement
- GB Railfreight Limited 34th Supplemental Agreement
- First Great Western (FWGL) 202nd Supplemental Agreement

Network Rail has provided its final representations on DB Cargo 88<sup>th</sup> (17 April 2025), FWGL 202<sup>nd</sup> (08 May 2025) and FLHH 26<sup>th</sup> (04 July 2025). Please see these representations for further information. Further information will be provided in our final representations on the remaining applications at a later date.

## **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' and Section 6 'Performance Concerns Affecting WCML applications'.

## **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 other headcodes currently running in the timetable, for rights supported by Network Rail, in this application passed the criteria outlined at the start of this section, so Network Rail is satisfied that the services perform well and that no further analysis is required.

## **Conclusion**

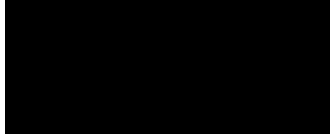
In this representation letter we have confirmed that we can partially support the access rights sought in this application with Firm 1 hour windows with amendments to timing loads and windows where relevant, as outlined in this representation, and Annex B.

This letter also confirms we do not support the access rights detailed in Annex C 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



Sarah  
**Customer Relationships Executive**

McCarthy

## Annex A – Interacting Locations matrix

| Operator/Application/Type            | Status of Application | WCM<br>L<br>south | Birmingham | BHM<br>-<br>Derby | Derby-<br>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 | Rejected by ORR  | 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                | Approved   |   |   |   |   | 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   | Rejected by ORR | 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 |
|--------------------------|---------------|-----------------------|---------------------|-----------------------------------|-----------------------------------|---------------------|-------------------|
| 6Z21***<br>(6M23)        | MO            | 04:13                 | 05:13               | Willesden DC Rail Sdgs            | Quainton Railhead                 | 06:23               | 07:23             |
| 6Z21***<br>(6M23)        | FSX           | 04:10                 | 05:10               | Wembley Yard                      | Quainton Railhead                 | 06:23               | 07:23             |
| 6Z27***<br>(6A27)        | SX            | 08:53                 | 09:53               | Quainton Railhead                 | Aylesbury North Loop              | 08:11               | 09:11             |
| 6Z24***<br>(6M29)        | FSX           | 21:28                 | 22:28               | Tytherington                      | Wembley Yard                      | 02:39               | 03:39             |
| 6Z50***<br>(6B01)        | SX            | 02:12                 | 03:12               | Bristol East Depot                | Tytherington                      | 03:08               | 04:08             |
| 6Z50<br>(6N01)           | FO            | 11:39                 | 12:39               | Appleford Sidings                 | Willesden DC Rail Sidings         | 14:57               | 15:57             |
| 6Z61<br>(6M18)           | SX            | 16:20                 | 17:20               | Merehead Quarry                   | Willesden DC Rail Sidings         | 20:48               | 21:48             |
| 6O49                     | SX            | 07:02                 | 08:02               | Willesden DC Rail Sidings         | Plumstead                         | 08:35               | 09:35             |
| 6M08***                  | SX            | 15:30                 | 16:30               | Plumstead                         | Willesden DC Rail Sidings         | 17:08               | 18:08             |
| 6Z90^^^<br>(6M70)        | SUN /<br>MTO  | 21:30                 | 22:30               | Chaddesden                        | Tunstead                          | 23:31               | 00:31             |
| 6Z69***<br>^^^<br>(6M71) | SUN /<br>MTO  | 02:55                 | 03:55               | Tunstead                          | Humberstone Road No. 5 Top Siding | 06:10               | 07:10             |
| 6Z92***<br>^^^<br>(6D59) | SUN /<br>MTO  | 14:46                 | 15:46               | Humberstone Road No. 5 Top Siding | Chaddesdon                        | 15:31               | 16:31             |
| 6D01                     | WO            | 07:38                 | 08:38               | Willesden DC Rail Sidings         | Chaddesden                        | 13:33               | 14:33             |
| 6Z24***<br>(6V24)        | SO            | 13:25                 | 14:25               | Willesden DC Rail Sidings         | Bristol East Depot                | 16:47               | 17:47             |

\*\*\*This is dependent on DC Rail 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.

^^^ These are only supported on specific days. Please refer to the **Rights not supported** section.

## 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 |
|------------------------|---------------|-----------------------|---------------------|---------------------------|---------------------------|---------------------|-------------------|
| 6Z22                   | SX            | 10:04                 | 11:04               | Aylesbury North Loop      | Wembley Yard              | 11:54               | 12:54             |
| 6Z23                   | SX            | 13:41                 | 14:41               | Wembley Yard              | Tytherington              | 19:04               | 20:04             |
| 6Z24 (6M29)            | FO            | 21:28                 | 22:28               | Tytherington              | Willesden DC Rail Sidings | 02:34               | 03:34             |
| 6Z22                   | FO            | 10:04                 | 11:04               | Aylesbury North Loop      | Willesden DC Rail Sidings | 11:54               | 12:54             |
| 6Z23                   | FO            | 13:42                 | 14:42               | Willesden DC Rail Sidings | Bristol East Depot        | 18:22               | 19:22             |
| 6Z52                   | SX            | 06:20                 | 07:20               | Tytherington              | Quainton Railhead         | 15:23               | 16:23             |
| 6Z54                   | FSX           | 18:02                 | 19:02               | Quainton Railhead         | Wembley Yard              | 20:55               | 21:55             |
| 6Z54                   | FO            | 18:02                 | 19:02               | Quainton Railhead         | Willesden DC Rail Sidings | 21:19               | 22:19             |
| 6Z55                   | FSX           | 22:00                 | 23:00               | Wembley Yard              | Tytherington              | 03:17               | 04:17             |
| 6Z55                   | FO            | 22:00                 | 23:00               | Willesden DC Rail Sidings | Bristol East Depot        | 01:11               | 02:11             |
| 6Z51                   | SO            | 03:30                 | 04:30               | Willesden DC Rail Sidings | Tytherington              | 07:43               | 08:43             |
| 6Z52                   | SO            | 09:50                 | 10:50               | Tytherington              | Willesden DC Rail Sidings | 15:15               | 16:15             |
| 6Z22                   | SX            | 07:40                 | 08:40               | Milton Sidings            | Appleford Sidings         | 07:49               | 08:49             |
| 6Z23                   | SX            | 13:42                 | 14:42               | Appleford Sidings         | Tytherington              | 19:01               | 20:01             |
| 6Z24                   | SX            | 21:27                 | 22:27               | Tytherington              | Milton Sidings            | 00:37               | 01:37             |
| 6Z50                   | SX            | 02:12                 | 03:12               | Bristol East Depot        | Tytherington              | 03:08               | 04:08             |
| 6Z51                   | SX            | 06:18                 | 07:18               | Tytherington              | Appleford Sidings         | 13:19               | 14:19             |
| 6Z52                   | SX            | 16:52                 | 17:52               | Appleford Sidings         | Bristol East Depot        | 20:41               | 21:41             |
| 6Z52                   | SO            | 06:44                 | 07:44               | Bristol East Depot        | Tytherington              | 07:57               | 08:57             |
| 6Z53                   | SO            | 09:36                 | 10:36               | Tytherington              | Milton Sidings            | 13:27               | 14:27             |
| 6Z60                   | SX            | 10:10                 | 11:10               | Willesden DC Rail Sidings | Merehead Quarry           | 13:45               | 14:45             |
| 6Z70                   | SX            | 04:38                 | 05:38               | Willesden DC Rail Sidings | Grain Aggregate Terminal  | 07:10               | 08:10             |
| 6Z71                   | SX            | 10:05                 | 11:05               | Grain Aggregate Terminal  | Willesden DC Rail Sidings | 12:54               | 13:54             |
| 6O49                   | FSX           | 23:16                 | 00:16               | Willesden DC Rail Sidings | Plumstead                 | 00:32               | 01:32             |
| 6Z81                   | FSX           | 05:10                 | 06:10               | Chaddesdon                | Peak Forest               | 07:35               | 08:35             |
| 6Z82                   | FSX           | 10:50                 | 11:50               | Peak Forest               | Brandon Sidings           | 17:40               | 18:40             |
| 6Z83                   | FSX           | 11:18                 | 12:18               | Brandon Sidings           | Brandon DGL               | 11:23               | 12:23             |
| 6Z84                   | FSX           | 13:41                 | 14:41               | Brandon DGL               | Chaddesdon                | 18:26               | 19:26             |
| 6Z83                   | FO            | 13:45                 | 14:45               | Brandon Sidings           | Brandon DGL               | 13:50               | 14:50             |
| 6Z84                   | FO            | 17:12                 | 18:12               | Brandon DGL               | Kings Lynn TC             | 18:39               | 19:39             |
| 6Z89                   | SO            | 08:31                 | 09:31               | Middleton Towers          | Chaddesdon                | 13:31               | 14:31             |
| 6Z90                   | SO            | 15:21                 | 16:21               | Chaddesdon                | Ravenhead                 | 18:56               | 19:56             |
| 6A16                   | FSX           | 15:36                 | 16:36               | Chaddesdon                | Willesden DC Rail Sidings | 21:49               | 22:49             |

