



Gareth Richards
Rail Freight Policy Manager
Network Rail
Waterloo General Office
London
SE1 8SW

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

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Network Rail letter to update on previously submitted representations

Network Rail provided final representations on the following Supplemental Agreements submitted under Section 22A of the Railways Act 1993 to amend the Track Access Contract between Network Rail Infrastructure Limited and:

1. DB Cargo (UK) Limited dated 11 December 2016 – 85th Supplemental Agreement (representation letter dated 17 April 2025)
2. DB Cargo (UK) Limited dated 11 December 2016 – 88th Supplemental Agreement (representation letter dated 17 April 2025)
3. Freightliner Heavy Haul Limited dated 11 December 2016 – 24th Supplemental Agreement (representation letter dated 9 May 2025)

In those letters, we were only able to support Quantum Rights for a handful of Rights sought in the above applications as the December 2025 Timetable was still under development and Network Rail could not give a confirmed position on these Rights. We stated:-

“Where a right application is aligned to a service in the May 2025 Timetable in an area where we have concluded our considerations of any other applications submitted in response to ORR’s letter of 24 April (if they exist) and/or in the proposed December 2025 Timetable, with characteristics (e.g. trailing load) consistent with the timetable paths and / or with timings outside of the requested windows, Network Rail is supportive of firm quantum 24hr rights in order to maintain sufficient flexibility to accommodate the request while maintaining the flexibility to accommodate other applications at the relevant locations. If characteristics are different, support may be offered on the basis of either a lesser capacity request or the associated WTT path characteristics.”

In the same letters, we later explained that:-

“If [FOC name] cannot accept our support for a Quantum Firm Right, then Network Rail cannot support these rights with a 1 hour window as part of this representation. At D-26 on 13 June 2025, Network Rail will have more clarity as to whether these Rights can be accommodated with the characteristics that [FOC name] originally requested.”

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.

This position 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.

DB Cargo (UK) Limited – 85th Supplemental Agreement

In our final representation letter to ORR dated 17 April 2025, we stated the following in relation to the Rights sought for 6V20 (SX) Newhaven Marine AG Tml – Acton T.C. and 6O93 (SX WO-Y) Acton T.C. - Newhaven Marine AG Tml:-

- *The Right sought for 6V20 (SX) Newhaven Marine – Acton TC is for a 1600t timing load but the Working Timetable path is for an 1800t timing load. Network Rail would support the Firm Quantum Right with a 1600t timing load as requested in the application. DB Cargo have subsequently advised they would prefer an 1800t timing load but Network Rail can only support 1600t at this moment in time as the Rights windows are also changed and Network Rail needs flexibility during the December 2025 Timetable to understand whether this request can be accommodated.*
- *The Right sought for 6O93 (SX WO-Y) Acton TC – Newhaven Marine is for a 08.08 - 09.08 departure window but the Working Timetable path is an 07.45 departure from Acton TC.*

In line with the approach we have taken in representation letters sent to you post 13 June 2025 (D-26 for the December 2025 Timetable), Network Rail can now confirm the following position:-

- **6V20 (SX) Newhaven Marine AG Tml – Acton T.C.:** although an 1800t timing load has been accommodated in the December 2025 Working Timetable, Network Rail can only support a 1600t timing load as the lower tonnage is what was consulted both internally within Network Rail and externally to the industry. This also aligns with the Right sought. The 1800t timing load has not been consulted therefore would need to be included in a future Rights application from DB Cargo. To confirm, Network Rail can support this Right with a 1600t timing load as a Firm Right with the 1 hour windows requested in the application.
- **6O93 (SX WO-Y) Acton T.C. - Newhaven Marine AG Tml:** Network Rail can confirm the corresponding path for this Right sought meets the characteristics on ThSX. On Thursdays only, the Right sought is for a 08.08 – 09.08 departure window but the Working Timetable path departure time is 07.45. Network Rail can support splitting the Right ThSX and ThO. Network Rail is supportive of the ThSX rights with the arrival and departure windows included in the original application. Network Rail is supportive of a Thursday Only right with an amended departure window: 07.15 – 08.15. Network Rail would support these as Firm Rights with 1 hour windows if these changes are made.

DB Cargo (UK) Limited – 88th Supplemental Agreement

In our final representation letter to ORR dated 17 April 2025, we stated the following in relation to the Rights sought for 6A34 (SX - Y) Acton TC – West Drayton TC, 6M47 (MO) Westbury Up TC – Cricklewood Aggregates, 6D39 (MO) Immingham HIT – Scunthorpe Trent TC, 6M63 (MO) Scunthorpe Trent TC – Hope Earles Sidings and 6N80 (SO) Scunthorpe BSC – Tees NY:-

- *The Right sought for 6A34 (SX - Y) Acton TC – West Drayton TC is for a 1800t timing load but the Working Timetable path is for a 2200t timing load. Network Rail would support the Firm Quantum Right with a 1800t timing load as requested in the application. DB Cargo*

have confirmed to Network Rail they would like to update the application with a 2200t timing load.

- The Right sought for 6M47 (MO) Westbury Up TC – Cricklewood Aggregates is for a 05.31 - 06.31 arrival window but the Working Timetable path arrival time is at 11.29.*
- The Right sought for 6D39 (MO) Immingham HIT – Scunthorpe Trent TC is for a Monday only Right but the Working Timetable path is for an SX path. DB Cargo have confirmed they only want a Monday only Right which Network Rail would support as a Quantum Firm Right.*
- The Right sought for 6M63 (MO) Scunthorpe Trent TC – Hope Earles Sidings is for a 1200t timing load but the Working Timetable path is for a 1800t timing load. Network Rail would support the Firm Quantum Right with a 1200t timing load as requested in the application.*
- DB Cargo have confirmed to Network Rail they would like to update the application with a 1800t timing load.*
- The Right sought for 6N80 (SO) Scunthorpe BSC – Tees NY is for a 3600t timing load but the Working Timetable path is for a 2200t timing load. Network Rail would support the Firm Quantum Right with a 2200t timing load.*

In line with the approach we have taken in representation letters sent to you post 13 June 2025 (D-26 for the December 2025 Timetable), Network Rail can now confirm the following position:-

- 6A34 (SX - Y) Acton TC – West Drayton TC:** although a 2200t timing load has been accommodated in the December 2025 Working Timetable, Network Rail can only support a 1800t timing load as the lower tonnage is what was consulted both internally within Network Rail and externally to the industry. This also aligns with the Right sought. The 2200t timing load has not been consulted therefore would need to be included in a future Rights application from DB Cargo. Network Rail can support this Right with a 1800t timing load as a Firm Right with the 1 hour arrival and departure windows specified in the application.
- 6M47 (MO) Westbury Up TC – Cricklewood Aggregates:** the Right sought is for a 05.31 – 06.31 arrival window but the Working Timetable path arrival time is at 11.29. Network Rail would support this as a Firm Right with 1 hour windows if the arrival window is amended to 10.59 – 11.59.
- 6D39 (MO) Immingham HIT – Scunthorpe Trent TC:** the Right sought is for a Mondays only Right but the corresponding December 2025 Working Timetable path is SX. Network Rail can support the Right as described in the application as a Firm Right with a 1 hour window. As the December 2025 Working Timetable path is SX, Network Rail requests that DB Cargo amends the December 2025 Working Timetable path to be MO otherwise it will be unable to run on MSX as it would be without a Right and would be utilising capacity in the timetable another operator could use.
- 6M63 (MO) Scunthorpe Trent TC – Hope Earles Sidings:** although a 1800t timing load has been accommodated in the December 2025 Working Timetable, Network Rail can only support a 1200t timing load as the lower tonnage is what was consulted both internally within Network Rail and externally to the industry. This also aligns with the Right sought. The 1800t timing load has not been consulted therefore would need to be included in a future Rights application from DB Cargo. To confirm, Network Rail can support this Right with a 1200t timing load as a Firm Right with the 1 hour arrival and departure windows included in the application.
- 6N80 (SO) Scunthorpe BSC – Tees NY:** the Right sought was for a 3600t timing load but Network Rail can confirm a 2200t timing load has been accommodated in the December 2025 Working Timetable. Network Rail can support this Right with a 2200t timing load as a Firm Right with the 1 hour arrival and departure windows included in the application.

In our final representation letter to ORR dated 17 April 2025, we stated the following in relation to the Rights sought for 6B51 (SX) Whatley Quarry – Avonmouth Hansons:-

- *The Right sought for 6B51 (SX) Whatley Quarry – Avonmouth Hansons is for a 19.10 – 20.10 arrival window but the Working Timetable path arrival time is at 20.28.*

In line with the approach we have taken in representation letters sent to you post 13 June 2025 (D-26 for the December 2025 Timetable), Network Rail can now confirm the following position:-

- **6B51 (SX) Whatley Quarry – Avonmouth Hansons:** the Right sought for 6B51 (SX) Whatley Quarry – Avonmouth Hansons is for a 19.10 – 20.10 arrival window but the December 2025 Working Timetable path arrival time is at 20.28. Network Rail would support this as a Firm Right with 1 hour windows if the arrival window is amended to 19.58 – 20.58.

Assurance

All of the Access Rights sought in the above applications have been assessed individually and the associated train slots are accommodated in the December 2025 timetable as described above.

Our position and approach is consistent with our representations on other freight customer Supplemental Agreements following completion of Phase 5 of the high level plan .

Conclusion

In this letter we have confirmed our final position on Access Rights in the above applications. We know this will provide operators with greater certainty, and we hope it assists ORR in making their determinations.

Yours sincerely

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Gareth Richards

Rail Freight Policy Manager, Network Rail