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Executive, Access and Licensing  
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G2 8HS

19<sup>th</sup> May 2025

## **RE: Freightliner Limited Proposed 26<sup>th</sup> Supplemental Agreement**

### **Response to Final Network Rail Representations**

Dear Margret,

Thank you for providing the opportunity to comment on Network Rail's Final Representations to Freightliner Limited's 26<sup>th</sup> Supplemental Agreement, covering commercial flows which were deemed to be aspirational to support business development at the start of the 'Complex and Competing Applications' process.

Please find below Freightliner's comments:

#### **Overarching Principles.**

Network Rail claim, in the section of their Representations headed 'Potential Future Traffic' that *as an access proposal has not been submitted for these paths it means the application no longer relates to the purpose of the competing and/or complex applications workstream*. This statement is fundamentally untrue – Freightliner submitted access proposals for some of the Rights included in this application as part of PDNS submissions at D-40, specifically:

May 25 and Dec 25:

4L01 [SX] 18:30-19:30 Cardiff Wentloog – Tilbury 2 (arr. 22:38-23:38)

Dec 25:

4S03 [SX] 23:20-00:20 Doncaster Up Decoy – Mossend PD Stirling (arr. 05:20-06:20)

4E02 [SX] 11:00-12:00 Mossend PD Stirling – Doncaster Up Decoy (arr. 17:22-18:22)

Given the timescales at which the application was submitted, and the timetable development work that has been undertaken since, particularly on the ECML, the timings of these schedules have naturally had to be amended somewhat to deliver an operationally deliverable plan. It was not possible for Freightliner to have validated paths available at the time of application due to the timetable not existing.

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For clarity, these paths are included in the Dec 25 PDNS as:

4L53 [SX] 14:42 Barry Docks to Tilbury (arr. 23:38) - departing Cardiff Wentloog at 18:18

4S31 [SX] 19:55 Doncaster to Mossend (arr. 03:20)

4E31 [MSX] and [SO] 08:00 Mossend to Doncaster (arr. 15:43)

For clarity, having considered ongoing business development, Freightliner are in a position where all other Firm Rights applied for in this application can now be withdrawn.

### **East Coast Main Line**

Network Rail maintain a blanket approach to not supporting Rights on the ECML, despite them having concluded advanced timetable development work and therefore having a thorough understanding of where train slots can and cannot be accommodated. The continued failure to support Firm Rights for timetable participants on this route continues to hinder confidence and investment in the rail freight sector and needs to be addressed with urgency.

### **Oxford**

Network Rail's continued failure to deliver upgrades to level crossings between Oxford and Banbury is of concern to Freightliner, given the length of time this project has been ongoing (believed to be in excess of 10 years) and the fact Network Rail have, at no point prior to these Representations, raised restrictions in terms of quantum of trains over these level crossings with Freightliner.

Given the strategic importance of this route as a national freight artery from Southampton to the Midlands and beyond, and such restriction is not supported by Freightliner. We would also ask for evidence to support Network Rail's position that no further quantum of train slots can be accommodated at all times of day.

### **Capacity**

Network Rail indicate that Freightliner did not submit a valid application given all services were missing mandatory allowances. Freightliner would remind Network Rail that this 26<sup>th</sup> SA was an application for Access Rights, and the requirement to validate and understand available capacity sits with Network Rail. This is particularly relevant given that, at the time of application, neither Rules nor the timetable for December 2025 had been published.

Train Slots included in the relevant PDNS submissions following publication of the Rules and Prior Working Timetable have included all relevant allowances and any conflicts with other operators are resolvable through minor flexing.

Freightliner question Network Rail's use of the term *unresolvable conflicts* in this section and would be interested to understand the level of flex that has been attempted to resolve. Experience would indicate that many 'unresolvable conflicts' are in fact resolvable with a wider overview and operator involvement in validation activities.

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## Performance

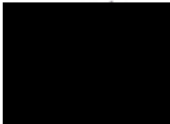
Freightliner question Network Rail's assessments here, which provide no justification to reinforce their position, and are over-arching in terms of application. Again, Freightliner would reiterate that the responsibility for identifying compliant paths in this application sits with Network Rail, and that this application for rights should not be assessed based on the timings submitted, which were intended to assist Network Rail with data processing and not to act as firm proposals for train slots in the timetable.

## Conclusion

While a number of Firm Rights included in this 26<sup>th</sup> SA can be withdrawn, Freightliner consider the Representations provided by Network Rail in relation to those train slots that have been submitted as part of our December 2025 PDNS to be unreasonable given they appear to be based on flawed information.

Freightliner do not believe any of the issues raised by Network Rail to be substantive, instead based on general

Yours Sincerely



Chris Matthews  
Head of Planning (Long Term)  
Freightliner Group

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