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**Network Rail Representations for the 24<sup>th</sup> Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and Freightliner Limited dated 11 December 2016.**

This letter provides final representations from Network Rail Infrastructure Limited (Network Rail) for the 24<sup>th</sup> Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Freightliner Limited (Freightliner) dated 11 December 2016.

This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024 and the 14 March ECML 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 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 decision 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 dated 14 March 2025, 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', Freightliner 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.

### **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 the 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, previously held by LNER within their Track Access Contract.

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.

On 11 July 2025 ORR published its determination of LNER's 34<sup>th</sup> and 35<sup>th</sup> Supplemental Agreements submitted under Section 22A of the Railways Act 1993. In this, ORR granted only 5 Rights in each direction between London King's Cross and Leeds, as replacement for those described in the paragraphs above, effective from the completion of the infrastructure work necessary to enable these services. These rights replaced the rights mentioned in the first paragraph of this section.

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.

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.

### **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.

This application covers two of those locations:-

- Between Doncaster Marshgate Jn and Leeds Copley Hill West Jn
- 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 the 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 Freightliner is seeking: -

- 11 Firm Access Right 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 27<sup>th</sup> SA, and now dated until the end date of May 2025 timetable as Contingent Rights in in the Freightliner Limited 29<sup>th</sup> SA General Approval submitted in line with the Interim Approach taken by Network Rail.
- 23 amendments to existing Firm Access Rights (with 1 hour windows).
- 2 relinquishments of existing Firm Rights.

Full details of all Rights sought by this application are contained in the Schedule 5 Rights Table submitted with the S22A. These Rights all relate to the operation of intermodal services operating between the deep-sea ports and inland terminals and updates to existing Firm Access Rights to reflect the current train plan. 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:

- 4 of the prospective access Rights interact with the ECML. in any significantly different manner.
- 1 of the prospective Rights pass through Sheffield.
- 12 of the prospective Rights use the Derby – Birmingham routes.
- 15 of the prospective Rights use the Birmingham area.
- 23 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.
- 16 of the prospective Rights pass through Oxford.
- 1 of the prospective Rights use the Sheffield – Derby route.

### **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. The Rights supported within this application were all included in the proposed December 2025 ECML 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 included in their Access Proposal submitted at D-40 for the December 2025 Timetable.

The Right amendments sought for 4L44 (MSX) Trafford Park FLT – London Gateway are to amend the destination from Crewe Basford Hall to London Gateway and to amend the windows for origin and destination. However, no corresponding Working Timetable path can be found to reflect these changes so Network Rail is currently unable to support these amendments (Annex D).

Following further dialogue with Freightliner Limited, they have confirmed to Network Rail that five Rights are no longer required as part of this application, so Network Rail is not supportive either of the amendments associated with these Rights, nor the extension of the dated Contingent Rights. For the Rights Freightliner Limited were looking to amend but are now looking to relinquish, Network Rail would expect this Supplemental Agreement to be amended to include these relinquishments. (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 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 4M79 (SX) Southampton MCT- Lawley Street FLT is for a 03:30 - 04:30 arrival window but on Fridays only the Working Timetable path arrival time is at 02:39. Network Rail would support a 02:09 – 03:09 arrival window on Fridays only. For clarity, Network Rail is happy to support the FSX element of the Rights as it has been requested. Therefore, this right would need to be split into a FSX right and a separate FO right.
- The amendment to the existing Right sought for 4S59 (SX) Southampton MCT – Coatbridge FLT is for a Class 66 1400t timing load as far as Carlisle then a 2 x Class 86 1200t timing load from Carlisle but the Working Timetable path timing load is for a Class 66 1600t timing load to Crewe Basford Hall for a Class 90 1600t timing load forward. Network Rail would support a 1400t timing load to Carlisle and a 1235t timing load from Carlisle. Network Rail is not supportive of the higher tonnages as they have not been part of our plan to assess and furthermore have not been included in the statutory consultation processes.
- The Right sought for 4L52 (SO) Crewe Basford Hall – London Gateway includes a crew change stop at Rugby. The December 2025 Working Timetable path does not include this stop. Network Rail supports the other amendments to this Right but not the Rugby stop. The inclusion of this stop could have an impact on the operation and performance of the Timetable on the West Coast Mainline. Please refer to the **WCML** section below. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 4L49.
- The Right sought for 4O38 (SX) Lawley Street FLT – Southampton MCT includes a crew change stop at Birmingham International. The December 2025 Working Timetable path does not include this stop. Network Rail supports the other amendments to this Right but not the Birmingham International stop. Inclusion of this stop could have an impact on the operation and performance of the Timetable.
- The Right sought for 4E62 (SX) London Gateway – Doncaster Railport is for a 16:25 – 17:25 arrival window but the Working Timetable path arrival time is at 16:20. Network Rail would support a 15:50 – 16:50 arrival window.
- The Right sought for 4M98 (SX) Southampton MCT – Garston FLT is for a 1800t timing load but the Working Timetable path timing load is 1600t. Network Rail would support a 1600t timing load.
- The Right sought for 4M61 (SX) Southampton MCT – Trafford Park FLT is for a 1800t timing load but the Working Timetable path timing load is 1600t. Network Rail would support a 1600t timing load.

- The Right sought for 4L67 (SX) Trafford Park FLT – Felixstowe North FLT has a Class 66 timing load from Trafford Park FLT – Crewe Basford Hall where it switches to electric traction then back to a Class 66 timing load from Ipswich Yard. The December 2025 Working Timetable shows the electric traction from Trafford Park with no traction change at Crewe Basford Hall. As such, Network Rail would support the 75C90S12 timing load from origin rather than from Crewe Basford Hall.
- The Right sought for 4M69 (MO) Ipswich SS – Trafford Park has an 02.30 - 03.30 departure window but the Working Timetable path departure time is 04.53. Network Rail would support a 04.23 - 05.23 departure window. In addition, the destination in the Right sought is for Trafford Park FLT but the December 2025 Working Timetable path has Crewe Basford Hall as a destination. Network Rail would support Crewe Basford Hall as the destination with a 10.31 - 11.31 arrival window.
- The Right sought for 4L44 (SO) Trafford Park – London Gateway has a destination of London Gateway but the December 2025 Working Timetable path has Tilbury IRFT as the destination. Network Rail would support Tilbury IRFT as the destination with a 13.46 - 14.46 arrival window.

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

Although they are non-contractual, Network Rail would like to point out the following headcode differences.

- The Right sought for 4L63 (SX) Ditton O'Connor – Felixstowe North has a different headcode in the December 2025 Working Timetable, 4L54.
- The Right sought for 4L52 (SX) Crewe Basford Hall SSN – London Gateway has a different headcode in the December 2025 Working Timetable, 4L49.

Away from the ECML, rights in the FLIM 24<sup>th</sup> SA present unresolved conflicts against rights in the:

- FLHH 27<sup>th</sup> SA. Network Rail has provided its final representations, dated 15 July 2025.
- FLHH 28<sup>th</sup> SA Network Rail has provided its final representations, dated 11 April 2025. The Operator has subsequently withdrawn this application.
- FLIM 26<sup>th</sup> SA. Network Rail has provided its final representations, dated 11 April 2025.
- East Coast Trains Limited (Lumo NorthWest) Section 17 application. Network Rail has provided its final representations, dated 09 May 2025 and ORR subsequently published its decision on 03 July 2025.
- Virgin Management Trains Limited Section 17 application. Network Rail has provided its final representations, dated 09 May 2025 and ORR subsequently published its decision on 03 July 2025.
- Wrexham, Shropshire & Midlands Railway Company Limited Section 17 application. Network Rail has provided its final representations, dated 09 May 2025 and ORR subsequently published its decision on 03 July 2025.
- Freightliner Heavy Haul (FLHH) 26<sup>th</sup> SA. Network Rail has provided its final representations, dated 04 July 2025.
- GB Railfreight Limited (GBRf) 34<sup>th</sup> SA

The conflicts with the GBRf 34<sup>th</sup> SA are against paths aligned to Rights in the FLIM 24<sup>th</sup> SA which Network Rail is not supportive of and are listed in in Annex D. Were ORR to direct the unsupported rights within this application, it will impact the position on the rights contained within GBRf's 34<sup>th</sup> SA. The final representation on that application will be provided at a later date.

The conflicts with the FLHH 26<sup>th</sup> and 27<sup>th</sup> SA's are against Rights which Network Rail is not supportive of as detailed in final representation letters for FLHH's 26<sup>th</sup> and 27<sup>th</sup> applications.

Network Rail supports the relinquishment of 2 existing Firm Rights made by Freightliner. These can be found in Annex E.

### **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.

Four 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. However, three of these are existing Firm Rights for which Freightliner Intermodal are seeking minor amendments. Two of these three switch from electric to diesel traction, the first between London Gateway and Crewe and the second is extended to start at Southampton instead of Crewe but with diesel traction. Another switches from diesel to electric between Trafford Park and Ipswich but runs overnight when there are no power supply concerns. Not supporting the amendment will not change the impact on power supply. The fourth Right sought is for 4L67 (SX) Trafford Park – Felixstowe which is currently running as a Dated Contingent Right until the end of the May 2025 timetable. Due to the concerns raised in the West Coast Main Line General Representation letter dated 25 April 2025, specifically the section on Power Supply Modelling, this Right is supported on a Contingent basis only. This Right is shown in Annex C.

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

### **Oxford**

Network Rail is currently unable to support the sale of further access rights across Sandy Lane, Yarnton Lane and Tackley Level Crossings (north of Oxford LX’s). Network Rail would require all three level crossings (LX’s) to either be closed or sufficient mitigations deployed to address the risk before being in a position to support additional access rights. It is worth noting that we are in discussions with third parties in respect of risk mitigations which would aid us lifting said restriction; however, we are not in a position to review or revise the current restriction as it remains unclear at this stage what form and extent that the mitigations will take. We will assess this position as soon as negotiations with third parties have concluded.

We understand that freight utilisation against existing paths in the timetable is sufficiently low on a typical day to accommodate paths on a short-term basis. However, for Network Rail to support additional access rights we would expect to see an equal reduction in access rights held across the Oxford LX’s. For full purposes of clarity, the restriction is on the sale of additional access rights: this is an important point as although capacity exists, not all paths that are in the WTT are being utilised on a regular basis. Should all access rights suddenly be exercised and additional rights be granted, this would result in a greater number of services operating across north of Oxford LX’s than is acceptable.

The Freightliner Intermodal 24<sup>th</sup> SA seeks to amend Freightliner Intermodal’s rights across the north of Oxford LX’s from 12 Firm rights to 16 Firm rights. Freightliner Intermodal currently has 12 Firm



rights and 3 dated Contingent rights that use the north of Oxford LX's (that are sought as Firm under this application), and the application also seeks to amend an existing Firm right that currently does not traverse the north of Oxford LX's but which will use the crossings upon approval of this application.

Although this change may seem to increase the number of train paths (rights) crossing north of Oxford LX's, the overall number requested by FLIM remains the same when considering the [subsequent] relinquishment of some rights under this application. Network Rail points out that, for this specific application, the effect is "net neutral"—there is no net gain in the rights traversing north of Oxford LX's. Taken on its own, Network Rail is therefore supportive of the rights contained within Annex B that traverse the north of Oxford LX's.

However, when all applications in response to ORR's letter dated 24 April 2024 (which addresses competing or complex track access applications for the December 2024, May 2025, and December 2025 timetable changes) are considered together, there is still an overall net increase in the total rights crossing north of Oxford LX's, and Network Rail is unable to support all aspirations that traverse north of Oxford LX's.

Network Rail notes that it may be prudent for ORR to receive all representations before making a decision on this application as there are other Interacting Access Rights applications that seek to increase quantum over the north of Oxford Level LX's (see Annex A), and these may all need to be considered together to ensure they are assessed on a non-discriminatory basis. Network Rail also points out that, should ORR positively determine upon any application that Network Rail has not supported, this may alter Network Rail's position adopted within this representation.

## Performance

For all freight applications, Network Rail has assessed the performance of each headcode against the following criteria:

- Right Time Departures (RTD) - 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):

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To	Timing Load
4014	MSX	04:40	05:40	GARSTON FLT	SOUTHAMPTON MCT	12:10	13:10	75C66S18
4L46	SX	11:40	12:40	LAWLEY STREET FLT	LONDON GATEWAY FL	18:00 18:30	19:00 19:30	75C66S12 75C66S16
4M62 4M65	SX	14:20 12:50	15:20 13:50	SOUTHAMPTON MCT	HAMS HALL LAWLEY STREET FLT	18:30 19:05	17:30 20:05	75C66S12 75C66S18

4014 (MSX) – the traffic now starts ex Garston vice Crewe Basford Hall. Previously the traffic was coming from Trafford Park and the loco fuelled at Crewe and then be delayed getting off the fuel point due to loco swaps during the early hours of the morning. The loco is now fuelled at Southampton and does an out and back trip from Southampton – Garston and back with no loco swap at Crewe.

4L46 (SX) – recent periods (up to P1 25/26) has seen improvement in RTD, with 13 period average now at 80.8 % compared to previously up to P11 24/25 of 78.3 %. The train has run 208 times in 13 periods, with no significant or repeating FOC responsible delay or incident to third party (14 incidents with total of 214 delay mins - with the largest incident being 110 delay minutes)

4M65 (SX) – this interacted with the departure of 4L51 (SX) Lawley Street FLT so was getting held back at Dorridge. 4L51 has been retimed to depart 30 mins earlier to allow 4M65 to arrive right time (new timing for 4L51 is now in operation).

All other headcodes, 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**

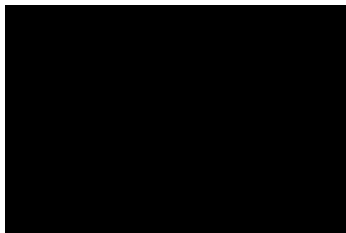
In this representation letter we have confirmed that we can partially support the access rights sought in this application, with Firm 1 hour windows, with amendments to timing loads and windows where relevant and Contingent access rights as outlined in this representation and Annexes B and C. We also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

This letter also confirms we do not support the access rights detailed in Annex D as either, Freightliner confirmed they are no longer required and has removed them from the SA, or 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



Megan Holman  
**Customer Relationships Executive**

## Annex A – Interacting Locations matrix

Operator/Application/ Type	Status of Application	W CM L so ut h	Birming ham	B H M - D er by	Derb y- Sheff ield	Sheff ield	ECML&L eeds	Oxf ord	Glouce ster	Car dif f
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	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	Rejected	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	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
4L52	<del>FSX</del> MSX	05:05	06:05	CREWE BASFORD HALL SSN	LONDON GATEWAY FL	11:15	12:15
4L52***	SO	04:50	05:50	CREWE BASFORD HALL SSN	LONDON GATEWAY FL	10:35	11:35
4014	MSX	04:40	05:40	GARSTON FLT	SOUTHAMPTON MCT	12:10	13:10
4L63	SX	09:50	10:50	DITTON O'CONNOR	FELIXSTOWE NORTH FLT	18:55	19:55
4M69	MSX	02:30	03:30	FELIXSTOWE NORTH FLT	TRAFFORD PARK FLT	12:05	13:05
4M69***	MO	02:30	03:30	IPSWICH SS	TRAFFORD PARK FLT	12:05	13:05
4027	SO	<del>05:00</del> 06:20	<del>06:00</del> 07:20	<del>GARSTON FLT</del> CREWE BASFORD HALL FREIGHTLINER	SOUTHAMPTON MCT	12:15	13:15
4L46	SX	11:40	12:40	LAWLEY STREET FLT	LONDON GATEWAY FL	<del>18:00</del> 18:30	<del>19:00</del> 19:30
4018	MSX	<del>03:00</del> 02:00	<del>04:00</del> 03:00	LAWLEY STREET FLT	SOUTHAMPTON MCT	<del>09:00</del> 08:00	<del>10:00</del> 09:00
4038***	SX	09:20	10:20	LAWLEY STREET FLT	SOUTHAMPTON MCT	16:40	17:40
4099	SX	10:25	11:25	LEEDS FLT	SOUTHAMPTON MCT	18:10	19:10
4M43	MSX <del>SO</del>	<del>00:40</del> 00:40	<del>01:40</del> 01:40	LONDON GATEWAY	LAWLEY STREET FLT	<del>05:30</del> 05:20	<del>05:30</del> 06:20
4M43	SO	00:40	01:40	LONDON GATEWAY	LAWLEY STREET FLT	<del>05:30</del> 06:00	<del>06:30</del> 07:00
<del>4E24</del> 4E62***	SX	10:45	11:45	LONDON GATEWAY	<del>LEEDS FLT</del> DONCASTER EUROPORT	<del>18:30</del> 16:25	<del>19:30</del> 17:25
4M56	SX	12:30	13:30	LONDON GATEWAY FL	<del>CREWE BASFORD HALL SSN</del> GARSTON FLT	<del>20:00</del> 22:05	<del>21:00</del> 23:05
4S83	SX	<del>17:05</del> 15:10	<del>18:05</del> 16:10	LONDON GATEWAY	COATBRIDGE FLT	<del>04:00</del> 05:35	<del>05:00</del> 06:35
4M60	SX	20:00	21:00	LONDON GATEWAY	TRAFFORD PARK FLT	02:30	03:30
4M98***	SX	17:30	18:30	SOUTHAMPTON MCT	GARSTON FLT	01:00	02:00
<del>4M62</del> 4M65	SX	<del>14:20</del> 12:50	<del>15:20</del> 13:50	SOUTHAMPTON MCT	<del>HAMS HALL</del> LAWLEY STREET FLT	<del>18:30</del> 19:05	<del>17:30</del> 20:05
4M55	SX	<del>08:30</del> 08:00	<del>09:30</del> 09:00	SOUTHAMPTON MCT	LAWLEY STREET FLT	<del>12:00</del> 12:50	<del>13:00</del> 13:50

4M79***	SX	22:15	23:15	SOUTHAMPTON MCT	LAWLEY STREET FLT	03:30	04:30
4M61***	SX	12:15	13:15	SOUTHAMPTON MCT	TRAFFORD PARK FLT	19:10	20:10
4S59 ***	SX	<del>20:30</del> 14:27	<del>21:30</del> 15:27	<del>CREWE BASFORD HALL SSM</del> SOUTHAMPTON MCT	COATBRIDGE FLT	01:30	02:30
4O22	MX	<del>01:00</del> 00:10	<del>02:00</del> 01:10	TRAFFORD PARK FLT	SOUTHAMPTON MCT	07:20	08:20
4L91	MSX	01:40	02:40	TRAFFORD PARK FLT	FELIXSTOWE NORTH FLT	12:10	13:10
4L44***	SO	05:25	06:25	TRAFFORD PARK FLT	LONDON GATEWAY FREIGHTLINER	14:05	15:05
4L86	FSX	16:00	17:00	TRAFFORD PARK FLT	FELIXSTOWE NORTH FLT	01:00	02:00

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

#### Annex C – Rights that Network Rail 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
4L67***	SX	09:50	10:50	TRAFFORD PARK FLT	FELIXSTOWE NORTH FLT	19:35	20:35

#### 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
<del>4K18</del> 4L44	MSX	<del>06:00</del> 04:35	<del>07:00</del> 05:35	TRAFFORD PARK FLT	<del>CREWE BASFORD HALL SSM</del> LONDON GATEWAY FREIGHTLINER	<del>07:00</del> 13:00	<del>08:00</del> 14:00
4O14	MO <del>MSX</del> Y	06:00 <del>06:30</del>	06:00 <del>07:30</del>	CREWE BASFORD HALL SSM	SOUTHAMPTON MCT	11:00	12:00
4O49	MSX	09:00	10:00	CREWE BASFORD HALL SSM	SOUTHAMPTON MCT	<del>14:00</del> 15:00	<del>15:00</del> 16:00
4O14	SO	<del>01:00</del> 06:10	<del>02:00</del> 07:10	<del>DITTON O'CONNOR</del> LAWLEY STREET FLT	SOUTHAMPTON MCT	<del>11:00</del> 11:39	<del>12:00</del> 12:39
4O18	SO	<del>04:30</del> 03:55	<del>05:30</del> 04:55	LAWLEY STREET FLT	SOUTHAMPTON MCT	09:45	10:45
4O02	FSX	21:30	22:30	LAWLEY STREET FLT	SOUTHAMPTON MCT	03:30	04:30

**Annex E – Rights that Freightliner want to relinquish**

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To
4K67	MSX	01:40	02:40	TRAFFORD PARK FLT	CREWE BASFORD HALL SSM	02:45	03:45
4O09	SX - Y	09:50	10:50	TRAFFORD PARK FLT	SOUTHAMPTON MCT	17:40	18:40