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Network Rail Representations for the 25th Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and Freightliner Heavy Haul Limited dated 11 December 2016.

This letter provides final representations from Network Rail Infrastructure Limited (Network Rail) for the 25th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Freightliner Heavy Haul Limited (Freightliner Heavy Haul) dated 11th December 2016.

This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024 and 22 November 2024, and the 14 March 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.

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 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 34th and 35th Supplemental Agreements submitted under Section 22A of the 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.

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 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 Heavy Haul is seeking:-

- 40 Firm Access Right with 1 hour windows to commence on approval until PCD 2026. 37 of these trains are currently running under Contingent Rights, originally for the December 2024 timetable as a General Approval in the Freightliner Heavy Haul Limited 29th SA, and now dated until the end date of the May 2025 timetable in the Freightliner Heavy Haul Limited 32nd SA General Approval.

Full details of all Rights sought by this application are contained in the Schedule 5 Rights Table submitted with the S22A. These Rights cover aggregates traffic which spans across all Network Rail Routes except for Scotland and Kent. Details of the exact services can be found in Annexes B and C

In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights supported by Network Rail in this Application, which utilise the ECML, are in line with the proposed December 2025 ECML Timetable.

Without reference to those rights sought where we have detailed a rejection, removal, or where we understand rights are being relinquished, we would note the following of the remaining contents of this application:

- 6 of the prospective Access Rights interact with the ECML
- 12 of the prospective Rights pass through Sheffield.
- 13 of the prospective Rights use the Sheffield – Derby and Derby – Birmingham routes.
- 4 of the prospective Rights use the Birmingham area.
- 10 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.
- 2 of the prospective Rights pass through Oxford.
- 2 of the prospective Rights pass through Gloucester.

Rights supported

Where Network Rail is supportive of firm rights with one-hour arrival/departure windows; this is on the basis of the service being accommodated in the December 2025 Timetable in an area where we have concluded our considerations of any other applications submitted in response to ORR's letter of 24 April (if they exist) and/or in the ECML proposed December 2025 Timetable.

This recognises the significant industry-wide effort as described above and further set out in General Representation on the ECML dated 14 March 2025 to undertake the advanced timetabling work to de-risk the transition of the proposed ECML ESG timetable from development to timetable

production, including advanced work to inform timetable risk including aligning cross boundary paths in the ECML ESG timetable with the latest developments in the wider National Working Timetable and associated Rolling Spot Bids. If characteristics are different, support will be on the basis of either a lesser capacity request or the associated WTT path characteristics.

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

We have worked with all freight operators to understand and challenge the rights being sought in their applications and confirm the ongoing need.

Where we are supporting rights relating to existing traffic in this and other applications, we would observe that if rights were not awarded by ORR, the paths would have to be removed from forthcoming timetables. Not only would outcome be inconsistent with the regulatory targets to support freight growth, it is likely that the business would not disappear and it could be reasonably expected that the freight operators would re-bid using the provisions in the model freight contract and the Network Code. In such instances freight operators are likely to require access to otherwise constrained capacity and the likely consequence would likely need to be considered by ORR if looking at any further or future interacting aspirations.

Rights not supported

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

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

In this application, the path associated with the Right sought for 6V27 (MSX) Lawley Street – Stoke Gifford (00.50 - 01.50 departure window) has been removed through the CMRG process. Network Rail would not support this Right without a corresponding path in the Working Timetable.

The path relating to the Right sought for 6M50 Paddn Yd Marcon Topmix – Wembley Receptions 1-7 was not included in Freightliner Heavy Haul's Access Proposal submitted at D-40 for the December 2025 timetable. Network Rail would not support this Right without a corresponding path in the Working Timetable. Network Rail also notes that while 6M50 would serve as the outbound path, there is no inbound right either in place or sought under this application. Although we are not supportive of this Right, Network Rail would like to highlight to the ORR that from the December 2028 timetable there is a major project making layout changes, amending speed restrictions and altering the timetable required for the new Old Oak Common station which will impact the capacity available for trains to/from Paddington New Yard.

The service/train path relating to Rights sought for 6B40 (SX) Tunstead Sidings – Northampton Castle Yard and 6H40 (SX) Northampton Castle Yard – Crewe Basford Hall were not included in Freightliner Heavy Haul's Access Proposal submitted at D-40 for the December 2025 Working Timetable. Network Rail would like to highlight that there are Saturdays only paths in the December 2025 Working Timetable for these trains, however, no corresponding Rights have been applied for

in this application. Freightliner Heavy Haul will need to submit a new application to request rights for (SO). Network Rail is not supportive of these additional rights being added into this application as they have not been part of our plan to assess and furthermore have not been included in the statutory consultation processes. Furthermore, this position is in line with ORR's letters to the industry dated 01 November 2025 and titled "Rail network capacity allocation (access rights) for December 2024 to December 2025" and 07 May 2025 "New/amended rights (under the competing/complex process) from December 2025".

Following further dialogue with Freightliner Heavy Haul, they have confirmed to Network Rail that one Right is no longer required as part of this application, so Network Rail is not supportive of converting the existing Contingent Right to a Firm Right with 1 hour windows.

These are shown in Annex C.

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.

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

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.

There is nothing outstanding from our initial representations on 28 June 2024.

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 a number of 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 6M50 (SX) Machen Quarry - Lawley Street Aggs Terminal is for a 14.10 – 15.10 departure window but the Working Timetable path departure time is at 14.02. Network Rail would support a 13.32 – 14.32 departure window.
- The Right sought for 6V27 (MSX) Lawley Street Aggs Terminal – Stoke Gifford (04.30 - 05.30 departure window) has Stoke Gifford as a destination but the December 2025 Working Timetable has East Usk Yard instead. Network Rail would support the Right as requested, with a destination of Stoke Gifford. As the Working Timetable path arrives at Bristol Parkway at 08.18, adjacent to Stoke Gifford, Network Rail would support an arrival window of 07.48 - 08.48. As Freightliner Heavy Haul have not requested a Right through to East Usk Yard, it means Network Rail would not be supportive of this extension without undertaking consultation as this would be utilising capacity in the timetable another operator could use. It is also worth highlighting that this train has been offered in the December 2025 Working Timetable with a different headcode, 6V47. This position is in line with ORR's letter to the industry dated 07 May 2025 "New/amended rights (under the competing/complex process) from December 2025".

- The Right sought for 6C54 (SX) Tunstead Sidings – Hardendale Quarry is for a 04.45 – 05.45 arrival window but the Working Timetable path arrival time is at 04.30 on FSX. Network Rail would support a 04.00 – 05.00 arrival window on FSX. For clarity, the Right sought matches for the Fridays only schedule.
- The Right sought for 6V08 (SX) Tunstead Sdgs – Brentford Town Days is for a 2200t timing load with a Heavy Axle Weight (HAW) restriction but the December 2025 Working Timetable path does not include the HAW restriction. Network Rail would be supportive of the 2200t timing load without this restriction.
- The Right sought for 6M90 (SX) Brentford Town Days – Tunstead Sdgs is for a SX Right but the December 2025 Working Timetable is MSX. Network Rail would support an MSX Right.
- The Right sought for 6A88 (SX) Tunstead Sidings – Wembley Receptions 1-7 is for SX but the December 2025 Working Timetable path is FSX. Network Rail would support a FSX Right. In addition, the Right sought is for an intermediate stop at Crewe Basford Hall but the December 2025 Working Timetable path has the stop at Crewe station. Network Rail would support the intermediate stop at Crewe station.
- The Right sought for 6V51 (SX) Tunstead Sidings – Park Royal Marcon is for a 07.29 – 08.29 arrival window but on Fridays only the Working Timetable path arrival time is at 07.22. Network Rail would support a 06.52 – 07.52 arrival window on Fridays only. For clarity, the FSX matches the windows sought. In addition, the Right sought has an intermediate stop at Hanwell Bridge Loop but the December 2025 Working Timetable path does not include this stop. Network Rail is not supportive of the intermediate stop at Hanwell Bridge loop.
- The Right sought for 6M51 (SX) Park Royal Marcon – Tunstead Sidings is for SX but the associated path is MSX. Network Rail would support a MSX path. In addition, the Right sought is for 19 minute crew stop at Crewe Basford Hall but the December 2025 Working Timetable path is for a 15 minute crew stop. The Timetable Planning Rules state a 2 minute dwell for crew changes so Network Rail would support a 2 minute crew stop at Crewe Basford Hall.
- The Right sought for 6O51 (SX) Tunstead Sidings – Stewarts Lane Tarmac is for SX but the associated path is MTWO. Network Rail would support a MTWO path.
- The Right sought for 6L36 (SX) Tunstead Sidings – Bow East FLHH (Olympics) is for SX but the associated path is FSX. Network Rail would support a FSX path. In addition, there are two ‘Y’ paths associated with this Right sought in the December 2025 Working Timetable. One matches the 08.12 - 09.12 arrival window but has a 2000t timing load, as opposed to the 2400t Right sought in this application. The second path has an arrival time of 06.35 so does not match the 08.12 - 09.12 but does match the 2400t Right sought. Network Rail would support a 06.05 - 07.05 arrival window with a 2400t timing load. Network Rail would like to clarify this support only relates to one of the 6L36 (SX) ‘Y’ paths and the other path with the 08.12 - 09.12 window would need a separate Right with a ‘Y’ characteristic and this will need to be progressed through a separate application.
- The Right sought for 6M55 (SX) Peterborough West Yard – Tunstead Sidings is for a 15.32 – 16.42 departure window and a 20.08 – 21:08 arrival window but the Working Timetable path departure time is 16.56 and arrival time is 21.41. Network Rail would support a 16.26 - 17.26 departure window and a 21.11 - 22.11 arrival window.
- The Right sought for 6L81 (SX) Tunstead Sdgs – Trowse Yard Redland Sidings is for a 2200t timing load but the December 2025 Working Timetable path is for a 2000t timing load. Network Rail would support a 2000t timing load.
- The Right sought for 6D17 (SX) Tunstead Sdgs – Elstow Redland Sidings includes an intermediate stop at Bedford for 14 minutes but the December 2025 Working Timetable path has a 2 minute stop at Bedford which is line with the Planning Rules allowance for a crewe change. Network Rail would support a 2 minute intermediate stop at Bedford.
- The Right sought for 6H93 (SX) Elstow Redland Roadstone - Tunstead Sidings is for a 21.25 – 22.25 departure window but the Working Timetable path departure time is at 00.20. Network Rail would support a 23.50 – 00.50 departure window. In addition, the Right sought is for SX but the associated path is MSX. Network Rail would support a MSX path. Finally,

the Right sought includes a crew change at Barrow Hill 2/3 but in the December 2025 Working Timetable the train is not routed this way. For this reason, Network Rail is not supportive of the Barrow Hill 2/3 intermediate stop.

- The Right sought for 6B71 (SX) Tunstead Sidings – Northampton Castle Yard is for a 06.46 – 07.46 departure window but on Mondays only the Working Timetable path departure time is at 07.55. For clarity, the MSX matches the windows sought. Network Rail would support a 07.05 – 08.05 departure window that would cover both the MO and MSX variations.
- The Right sought for 6H41 (SX) Tunstead Sdgs – Bredbury Tilcon includes an intermediate stop at New Mills Central but the December 2025 Working Timetable does not include this stop. For this reason, Network Rail is not supportive of this intermediate stop being included in the Right sought.,
- The Right sought for 6H42 (SX) Bredbury Tilcon - Tunstead Sidings is for a 23.44 – 00.44 arrival window but the Working Timetable path arrival time is at 23.14. Network Rail would support a 22.44 – 23.44 arrival window.
- The Right sought for 6L10 (SX) Tunstead Sidings - West Thurrock (FHH) is for a 03.57 – 04.57 arrival window but the Working Timetable path arrival time is at 03.54. Network Rail would support a 03.24 – 04.24 arrival window. In addition, the Right sought has an intermediate call at Willesden Up & Down Goods but in the December 2025 Working Timetable the train is not routed this way. Therefore, Network Rail is not supportive of the Willesden Up & Down Goods intermediate stop.
- The Right sought for 6J52 (FSX) Tunstead Sdgs – Brindle Heath Up Sidings is for a 2200t timing load with a Heavy Axle Weight (HAW) restriction but the December 2025 Working Timetable path does not include the HAW restriction. Network Rail would be supportive of the 2200t timing load without this restriction. The Right sought for 6E03 (SX) Tunstead Sidings – Hunslet Yard is for SX but the associated path is TThO. Network Rail would support a TThO right.
- The Right sought for 6M02 (SX) Hunslet Yard (FLHH) - Tunstead SDGS is for a 21.11 – 22.11 arrival window but the Working Timetable path arrival time is at 20.40. Network Rail would support a 20.10 – 21.10 arrival window. In addition, the Right sought is for SX but the associated path is TThO. Network Rail would support a TThO right.
- The Right sought for 6M55 (SX) Brandon Goods Loop - Tunstead Sdgs is for a 21.25 – 22.25 arrival window but the Working Timetable path arrival time is at 19.52. Network Rail would support a 19.22 – 20.22 arrival window. In addition, the Right sought is for SX but the December 2025 Working Timetable path is for MSX. Network Rail would be supportive of a MSX Right.
- The Right sought for 6H24 (SX) Guide Bridge Yard – Tunstead Sidings is for MO but the associated path is FSX. Network Rail would support a MO right.
- The Right sought for 6H79 (SX) Guide Bridge Yard – Tunstead Sidings is for a SX Right but the December 2025 Working Timetable is MSX. Network Rail would support an MSX Right.

Rights in the Freightliner Heavy Haul 25th SA present conflicts against rights in the Freightliner Heavy Haul Limited 24th, 26th, 27th and 28th SAs, East Coast Trains Limited (Lumo NorthWest), Virgin Management Trains Limited and Wrexham, Shropshire & Midlands Railway Company Limited section 17 applications.

Our final representations for the following have been shared and are dated:

- FLHH's 24th SA dated 2 May 2025.
- FLHH's 26th SA dated 4 July 2025.
- FLHH's 28th SA dated 11 April 2025 and the supplemental agreement has since been withdrawn.
- FLHH's 27th SA dated 15 July 2025.
- East Coast Trains Limited (Lumo NorthWest) Section 17 dated 9 May 2025, subsequently ORR rejected this application on 03 July 2025.
- Virgin Management Trains Limited Section 17 dated 9 May 2025, subsequently ORR

- rejected this application on 03 July 2025.
- Wrexham, Shropshire & Midlands Railway Company Limited Section 17 dated 9 May 2025, subsequently ORR rejected this application on 03 July 2025.

The conflicts with the FLHH 27th SA are against Freightliner Heavy Haul Rights which Network Rail is not supportive of. For those relating to Freightliner Heavy Haul 25th SA these are shown in Annex C.

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’

In addition to this, Freightliner Heavy Haul 25th SA would be likely to interact with other long distance West Coast Main Line Access Aspirations which ORR may want to consider alongside this application. Decisions on those applications could impact this application and vice versa. You may wish to wait for final representation on related applications and the information provided therein prior to making your decision.

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.

Although this change may seem to increase the number of rights that traverse north of Oxford LX's by one right, the overall number decreases when considering the recent surrender (relinquishment) of some rights associated with the Freightliner Heavy Haul's Track Access Contract extension. 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. 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 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.

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.

Gloucester

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

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

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

Comparison of Gloucester area conflicting movements

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

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

1. Restricted routing of services at the east end of the station results in conflicts when platform 1 is occupied (Figure 1). This can constrain the availability of paths for example from the Barnwood Jn direction towards Severn Tunnel Jn when a route via platform 1 is not available.
 - Platform length limitations affect platforming of longer Intercity Express Train (IET) formations. This restricts the ability to flex passenger services to facilitate paths for additional freight services.
 - Services terminating and shunting at Cheltenham Spa restrict capacity to / from the West Midlands for both passenger and freight services.
 - Severn Tunnel Junction layout also impacts on availability of paths towards Gloucester for both passenger and freight services.

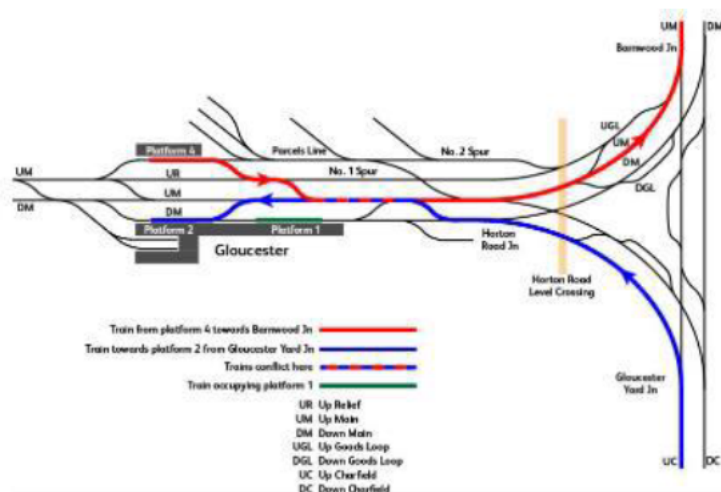


Figure 1 – routing constraints when platform 1 is occupied

2. Frequency increases affecting Gloucester are envisaged by the promoters of both the MetroWest and the South Wales Metro projects. We published our Greater Bristol rail strategic study in February 2023, with recommendations for this interacting major nearby area, including consideration of the Bristol to Gloucester route.

At Manually Controlled Barrier (MCB) type crossings, such as Horton Road Level Crossing, the barrier down time per train is often in the 3-minute area, as opposed to Automatic Crossings which are often around the 30 second area. This provides a different risk to consider. Essentially there is a collision risk and convenience risk. Due to the length of barrier down time at MCB type crossings, an additional train can end up more than doubling the time a user waits at the crossing as the train may fit in a slot where the barriers were previously raised for a few minutes, affecting road commuter's plans. The anticipated sporadic running frequency and overnight service operation described in this application mean less collision risk is introduced and significantly less convenience risk than a regular passenger service uplift. Therefore, minor additional quantum freight trains traversing Horton Road Level Crossing and corresponding additional nighttime barrier downtime is less intrusive than a new regular passenger service which drops the barriers at frequent times. Our assessment of this application alongside the other interacting access rights applications considers that the barrier downtime at Horton Road Level Crossing is not a concern.

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

The following service has not met the criteria but is supported with the reason outlined below :

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To	Timing Load
6H50	SX	12:44	13:44	WEMBLEY RECEPTIONS 1-7	TUNSTEAD SDGS	19:00	20:00	60-66S06

Journey	Trains Ran	RTD failure	RTD %	FOC on TP PfPI DM	FOC on TP Distinct TIN Count
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13:xx WEMBLEY RECEPTIONS 1 TO 7 TO TUNSTEAD SDGS	45	19	57.80%	47	7
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There have been no identifiable trends causing delay to this service. In fact, there have been two large unrelated incidents that contributed to these numbers. The train will continue to be monitored and Network Rail will work with Freightliner Heavy Haul to discuss any mitigations/improvements required.

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

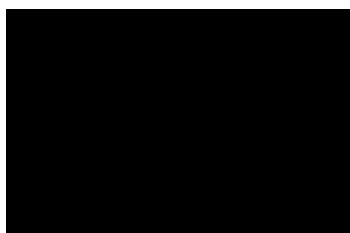
In this representation letter we have confirmed that we can partially support the access rights sought in this application, with Firm 1 hour windows, with amendments to timing loads, windows and days run where relevant, as outlined in this representation and Annex B.

This letter also confirms we do not support the access rights detailed in Annex C as either, Freightliner Heavy Haul has confirmed they are no longer required and has removed them from the SA, or through CMRG; or 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 C M L so ut h	Birming ham	B H M - D er b y	Der by- Shef field	Shef field	ECML&L eeds	Ox for d	Glouc ester	Ca rdi ff
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
6M50***	SX	14:10	15:10	MACHEN QUARRY	LAWLEY STREET AGGS TERMINAL	19:30	20:30
6V27***	MSX	04:30	05:30	LAWLEY STREET AGGS TERMINAL	STOKE GIFFORD	08:20	09:20
6O40	SX	04:30	05:30	WESTBURY TARMAC	ARDINGLY HANSON AGGREGATES	08:45	09:45
6V57	SX	12:40	13:40	ARDINGLY HANSON AGGREGATES	WESTBURY TARMAC	16:30	17:30
6C54***	SX	21:52	22:52	TUNSTEAD SDGS	HARDENDALE QRY SHAP (FHH)	04:45	05:45
6H51	MSX	10:37	11:37	HARDENDALE QRY SHAP (FHH)	TUNSTEAD SDGS	16:54	17:54
6V08***	SX	13:19	14:19	TUNSTEAD SDGS	BRENTFORD TOWN DAYS FLHH	23:02	00:02
6M90***	MSX	01:58	02:58	BRENTFORD TOWN DAYS FLHH	TUNSTEAD SDGS	09:24	10:24
6A88***	SX	20:07	21:07	TUNSTEAD SDGS	WEMBLEY RECEPTIONS 1-7	04:18	05:18
6V51***	SX	22:29	23:29	TUNSTEAD SDGS	PARK ROYAL MARCON	07:29	08:29
6M51***	SX	14:19	15:19	PARK ROYAL MARCON	TUNSTEAD SDGS	22:12	23:12
6O51***	SX	22:29	23:29	TUNSTEAD SDGS	STEWARTS LANE TARMAC FHH	08:16	09:16
6L36***	SX	22:41	23:41	TUNSTEAD SDGS	BOW EAST FLHH (OLYMPICS)	08:12	09:12
6M51	SX	11:12	12:12	BOW EAST FLHH (OLYMPICS)	WEMBLEY RECEPTIONS 1-7	12:03	13:03
6H50	SX	12:44	13:44	WEMBLEY RECEPTIONS 1-7	TUNSTEAD SDGS	19:00	20:00
6E69.	SX	06:33	07:33	TUNSTEAD SDGS	PETERBOROUGH WEST YARD	10:20	11:20
6M55***	SX	15:32	16:32	PETERBOROUGH WEST YARD	TUNSTEAD SDGS	20:08	21:08
6D17***	SX	11:22	12:22	TUNSTEAD SDGS	ELSTOW REDLANDS SIDINGS	17:35	18:35
6H93***	SX	21:25	22:25	ELSTOW REDLAND ROADSTONE	TUNSTEAD SDGS	05:50	06:50
6B71***	SX	06:46	07:46	TUNSTEAD SDGS	NORTHAMPTON CASTLE YARD	14:26	15:26
6H72	SX	20:15	21:15	NORTHAMPTON CASTLE YARD	TUNSTEAD SDGS	02:30	03:30
6H41***	SX	15:34	16:34	TUNSTEAD SDGS	BREDBURY TILCON	17:15	18:15
6H42	SX	20:46	21:46	BREDBURY TILCON	GUIDE BRIDGE YARD (FLHH)	21:26	22:26
6H42***	SX	21:05	22:05	BREDBURY TILCON	TUNSTEAD SDGS	23:44	00:44
6L10***	SX	20:22	21:22	TUNSTEAD SDGS	WEST THURROCK (FHH)	03:57	04:57
6M92	SX	12:55	13:55	WEST THURROCK SIDINGS FHH	TUNSTEAD SDGS	19:57	20:57

6J52***	FSX	23:15	00:15	TUNSTEAD SDGS	BRINDLE HEATH UP SIDINGS	01:20	02:20
6H43	SX	07:42	08:42	BRINDLE HEATH UP SIDINGS	TUNSTEAD SDGS	08:48	09:48
6E03***	SX	12:57	13:57	TUNSTEAD SDGS	HUNSLET YARD (FLHH)	15:10	16:10
6M02***	SX	16:25	17:25	HUNSLET YARD (FLHH)	TUNSTEAD SDGS	21:11	22:11
6M55***	SX	14:47	15:47	BRANDON GOODS LOOP	TUNSTEAD SDGS	21:25	22:25
6H24***	SX	16:45	17:45	GUIDE BRIDGE YARD (FLHH)	TUNSTEAD SDGS	17:55	18:55
6M28	SX	07:23	08:23	GUIDE BRIDGE YARD (FLHH)	TUNSTEAD SDGS	08:26	09:26
6H79***	SX	00:58	01:58	GUIDE BRIDGE YARD (FLHH)	TUNSTEAD SDGS	02:10	03:10
6L81***	SX	22:29	23:29	TUNSTEAD SDGS	TROWSE YARD REDLAND SIDING	07:19	08:19

***This is dependent on Freightliner 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 do not currently support

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To
6V27	MSX	00:50	01:50	LAWLEY STREET AGGS TERMINAL	STOKE GIFFORD	04:30	05:30
6M50	SX	11:19	12:19	PADDN YD MARCON TOPMIX	WEMBLEY RECEPTIONS 1-7	12:24	13:24
6B40	SX	00:21	01:21	TUNSTEAD SDGS	NORTHAMPTON CASTLE YARD	04:57	05:57
6H40	SX	12:01	13:01	NORTHAMPTON CASTLE YARD	CREWE BAS HALL S.S.M	13:59	14:59
6M50	SX	21:05	22:05	MACHEN QUARRY	LAWLEY STREET AGGS TERMINAL	03:50	04:50