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31 July 2025

Network Rail Representations for the proposed 41st Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and GB Railfreight Limited dated 11 December 2016.

This letter provides final representations from Network Rail Infrastructure Limited (Network Rail) for the 41st Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail and GB Railfreight Limited (GB Railfreight) 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 2025 General Representation on Complex and/or Competing Applications interacting on Location ECML Kings Cross - Edinburgh and Leeds.

The latter of these letters provided important information to support ORR when it comes to making decisions on applications in this geography including context on the work in developing the ECML Policy, ECML Industry Task Force, key performance information, as well as updates on power supply assessment. The annexes to that letter include relevant information including Timetable Performance Analysis and ECML Power Supply Modelling and where there is specific relevance to this application, reference will be made in this representation.

The purpose of this 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 position is contained in the ECML General representation letter dated 14 March 2025. Network Rail can confirm that based on the facts, data and evidence outlined in this representation and the ECML General Representation 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', GB Railfreight 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. Further to this Network Rail issued a General Representation on the East Coast Mainline (ECML) to ORR dated 14 March 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 11th July 2025 ORR published its determination of LNER's 34th and 35th 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 paragraph 5.2 above, from the completion of the infrastructure work necessary to enable these services. These rights replaced the rights mentioned in point 4.2 above.

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 the three locations declared congested, namely:-

- Between Northallerton Longlands Jn and Newcastle King Edward Bridge South via ECML
- Between Doncaster Marshgate Jn and Leeds Copley Hill West Jn

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 GB Railfreight is seeking:-

- 16 firm Access Rights 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 43rd SA, and now dated until the end date of the May 2025 timetable in the GB Railfreight 44th SA General Approval in line with the Interim Approach taken by Network Rail.

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 Aggregates traffic to serve the quarries at Shap and Ribbleshead.

In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought in this Application 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:

- All of the prospective access rights interact with the ECML.
- All prospective rights do cross into the geography of North West & Central Route but are not at the specific Birmingham area, Birmingham to Derby and WCML South geographies identified in ORR's initial call for applications at complex and potentially interacting locations.

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 had an Access Proposal submitted for the December 2025 Timetable at D-40.

In this application it has been found that 6M83 MSX Doncaster Down Decoy – Shap Harrison's Quarry is foul of a Section 4 possession opportunity NW9901.7 between Culgaith LC and Petheril Bridge Junction by 1 hour in the December 2025 Working Timetable; being non-compliant with the Engineering Access Statement, a sub-set of the Operational Rules, Network Rail is not supportive of the right that aligns to this service. . This is shown in 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.

All of the Rights sought use the East Coast Main Line (ECML) ESG geography. There is no other interaction with other ORR locations set out in the 24 April 2024 letter.

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. Network Rail have not identified any significant concerns regarding this application.

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 three 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 6E80 (SX) Shap Summit – North Blyth is for a 20.50 – 21.50 arrival window but the Working Timetable path arrival time is at 20.41. Network Rail would support a 20.11 - 21.11 arrival window. The right also includes a dwell at Freemans L.C. which is not included in the December 2025 timetable. Network Rail is not supportive of this being included as a contractual stop.
- The rights sought for 6M80 (SO and SX) North Blyth GBRf – Shap Summit Quarry GBRf request a dwell at Shap Summit. This dwell is not included in the Working Timetable Path and therefore Network Rail is not supportive of this being included as a contractual stop.
- The right sought for 6M79 (SX) North Blyth GBRf – Shap Summit Quarry GBRf requests a dwell at Shap Summit. This dwell is not included in the Working Timetable Path and therefore Network Rail is not supportive of this being included as a contractual stop.

If GB Railfreight 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.

We have included 6E46 (SX-Y) Ribbleshead VQ GBRf – Doncaster Down Decoy GBRf in the December 2025 timetable, though work remains to finalise the Timetable to be introduced in December. Given a small number of specific operational challenges at key locations at busy times of the day for this service, we expect to be in discussions with operators between now and December 2025 to seek changes to optimise the timetable at these locations. Since the passenger operators at these locations already have quantum rights in their contract, we would seek an equivalent flexibility to accommodate any solutions developed in discussion with freight operators and until we are satisfied that we may not need to seek further amendments, we would look for this Right to be sold as quantum, timebound for one year from the December 2025 timetable and we request that in its directions ORR expresses no presumption of continuity (Annex C).

Paths which align to the Rights in the GBRf 41st SA present conflicts against rights in First Trenitalia West Coast Limited (Avanti) 3rd SA and Freightliner Heavy Haul Limited (FLHH) 27th SA. Network Rail is not supportive of the conflicting rights within the Avanti 3rd SA and FLHH 27th SA. Network Rail has provided its final representations on the Avanti 3rd, dated 20 June 2025. The conflicts with the FLHH 27th are against services which are not in the current timetable and has not had an Access

Proposal submitted for the December 2025 Timetable at D-40. Network Rail has provided its final representations, dated 15 July 2025.

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

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’.

Multiple services in this application (those to/from Shap Harrisons/Summit GBRf) 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.

Performance

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

- Right Time Departures - average above 80 % over 13 periods = pass
- FOC on Other operators delay - less than 5 instances over 13 periods = pass

All the headcodes in this application passed these criteria, 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 as Firm 1 hour windows, or as firm quantum rights or, with amendments to timing loads and windows where relevant, as outlined in this representation and in Annex B and Annex C. Our support of the Right in Annex C is on the basis of it being timebound for one year from the December 2025 timetable and we request that in its directions ORR expresses no presumption of continuity

This letter also confirms we do not support the access right detailed in Annex D because the aligned timetable path is non-compliant with the Engineering Access Statement.

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 final representation letter contains all the information needed for this application to enable the ORR to make a direction.

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	Live	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	Live					x				

TfW 28th SA 22a	Live		x	x					x	x
TfW 31st SA 22a	Live								x	x
TfW 32nd SA 22a	Live									x
TPT 58th SA 22a	Live					x	x			
TPT 62nd SA 22a	Rights were being sought until Dec 2025 so not included in analysis						x			
TPT 63rd SA 22a	Live						x			
TPT 64th SA 22a	Live					x	x			
TPT 65th SA 22a	Live						x			
Varamis 2nd SA 22a	Live	x	x				x			
Virgin New Contract 17	Live	x	x							
WMT 22nd SA 22A	Live		x	x						
WMT 28th SA 22A	Live		x	x						
WMT 30th SA 22A	Withdrawn		x	x						
WMT 31st SA 22A	Withdrawn		x							
WMT 32nd (29th) SA 22A	Live	x	x	x						
WSMR New Contract 17	Live	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
6E83	SX	10:00	11:00	Shap Harrisons Quarry GBRf	Doncaster Down Decoy GBRF	18:15	19:15
6M71	SX	08:40	09:40	Doncaster Down Decoy GBRF	Shap Harrisons Quarry GBRf	13:15	14:15
6E71	SX	18:00	19:00	Shap Harrisons Quarry GBRf	Doncaster Down Decoy GBRF	01:00	02:00
6E79	MSX	04:20	05:20	Shap Summit Quarry GBRf	North Blyth GBRf	10:10	11:10
6E79	SO	04:35	05:35	Shap Summit Quarry GBRf	North Blyth GBRf	11:10	12:10
6M80***	SO	08:00	09:00	North Blyth GBRf	Shap Summit Quarry GBRf	12:00	13:00
6M80***	SX	08:00	09:00	North Blyth GBRf	Shap Summit Quarry GBRf	12:00	13:00
6M79***	SX	14:05	15:05	North Blyth GBRf	Shap Summit Quarry GBRf	19:20	20:20
6M52	MSX	09:30	10:30	Doncaster Down Decoy GBRF	Ribblehead VQ GBRF	13:10	14:10
6M52	SX; Y	10:20	11:20	Hunslet Tilcon GBRF	Ribblehead VQ GBRF	13:10	14:10
6E45	SX; Y	17:50	18:50	Ribblehead VQ GBRF	Hunslet Tilcon GBRF	20:45	21:45
6M78	SX; Y	05:20	06:20	Hunslet Tilcon GBRF	Ribblehead VQ GBRF	07:50	08:50
6M33	FSX	12:20	13:20	Ribblehead VQ GBRF	Pendleton (Brindle Heath) GBRf	21:25	22:25
6E80***	SX	16:15	17:15	Shap Summit Quarry GBRf	North Blyth GBRf	20:50	21:50

***This is dependent on GBRf 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 body of the letter.

Annex C – Rights that Network Rail can support as Firm Quantum with a 24 hour window

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To
6E46***	SX; Y	00:00	23:59	Ribblehead VQ GBRF	Doncaster Down Decoy GBRF	00:00	23:59

***: timebound for one year .

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
6M83	MSX	00:15	01:15	Doncaster Down Decoy GBRF	Shap Harrisons Quarry GBRf	06:10	07:10