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13 August 2026

Network Rail Representations for the proposed 35th 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 35th Supplemental Agreement (SA) submitted under section 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Freightliner Limited dated 11th December 2016.

The purpose of this letter is to provide Office of Rail and Road (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.

Summary of Access Rights Sought in this Application

In their application and as a high-level summary Freightliner are seeking:

- 34 new Firm Access Rights with 1-hour windows to commence on approval until end of contract.
- 2 amendments to existing Firm Access Rights (with 1-hour windows).
- 1 relinquishment of existing Firm Rights.

Separately, we have progressed a General Approval application (the 33rd SA) for Contingent Rights dated until Priority Change Date 2026 and the rights contained in that General Approval are in line with our position in this representation. Therefore, when ORR determine on this application, the supplemental agreement should, where applicable, remove any rights from being contingent to being firm, so there is not a duplication of access rights.

Rights Supported

Network Rail is fully supportive of 9 new firm rights where these paths are in use and meet our performance criteria.

- 4L52 (FSX) Ditton (O'Connor) Freightliner to London Gateway Freightliner

- 4L57 (SX): Lawley Street F.L.T. to Felixstowe North F.L.T.
- 4L58 (MSX): Trafford Park F.L.T. to London Gateway Freightliner
- 4L96 (FSX): Daventry International Rail Freight Terminal Reception to Felixstowe North F.L.T.
- 4M58 (SX): London Gateway Freightliner to Trafford Park F.L.T.
- 4O25 (MSX-Y): London Gateway Freightliner to Southampton M.C.T.
- 4O71 (SX-Y) Wentloog (Freightliners) to Southampton M.C.T.
- 4V30 (FO): London Gateway Freightliner to Wentloog (Freightliners)
- 4V30 (FSX): London Gateway Freightliner to Wentloog (Freightliners)

Network Rail is fully supportive of an amendment to 1 firm right which Freightliner hold, where the path is in use and meets our performance criteria.

- 4M58 (SX) from London Gateway Freightliner to Trafford Park F.L.T. has been amended to operate as 4M52 (SX) from London Gateway Freightliner to Ditton (O'Connor) Freightliner.

Network Rail is supportive of the one relinquishment requested in this SA –

- 4V36 (FO) Felixstowe North F.L.T. to Wentloog (Freightliners) – Network Rail supports the relinquishment of the 4V36 (FO) right. However, Network Rail does not support the amendment of the existing 4V36 (FSX) right to create an SX right, as neither service has operated within the 90-day review period and the proposed amended right is therefore not considered to be in use.

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 the outcome be inconsistent with the regulatory targets to support freight growth, but it is also likely that demand 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 need to be considered by ORR if looking at any further or future interacting aspirations.

Rights Supported as Contingent or Timebound

Network Rail are partially supportive of 17 rights detailed below. We would be supportive of these rights on a contingent or timebound basis for the reasons detailed below.

ECML Rights

Fifteen rights are considered within the East Coast Main Line section. Twelve rights are currently supported as contingent rights until the December 2026 timetable change, reflecting their interactions with the East Coast Main Line and the associated considerations outlined below. Two rights are supported as firm rights until end of contract having formed part of the

ECML stitching exercise.

- 4D70 (SO) South Bank Tees Dock (Flt) to Doncaster Europort (FL) is currently supported as a dated contingent right until December 2026 timetable change. It is also noted that this service conflicts with the Grand Central (Newcastle - Brighton) application.
- 4D87 (SX) South Bank Tees Dock (Flt) to Doncaster Europort (FL) is currently supported as a dated contingent right until December 2026 timetable change. It is also noted that this service conflicts with the Grand Central (Newcastle - Brighton) and Lumo (Carlisle – York) section 17 application.
- 4D90 (SO): Doncaster Europort (FL) to Leeds F.L.T. is currently supported as a dated contingent right December 2026 timetable change.
- 4E65 (SX) Southampton M.C.T. to Doncaster Europort (FL) is currently supported as a dated contingent right until December 2026 timetable change. However, it should be noted that the service interacts with the north of Oxford level crossing position, which will need to be considered as part of any ongoing access rights discussions.
- 4E73 (SO) London Gateway Freightliner to Tinsley Intermodal Terminal is currently supported as a dated contingent right until December 2026 timetable change. 4E73 (SO) was incorrectly shown in the Rights Table as a Y-path to 4E82 (MSX). In practice, 4E82 would originally have been regarded as the Y-path to 4E73 (MSX). Further explanation and background regarding the relationship between 4E73 (MSX) and 4E82 (MSX) are set out below.
- 4E73 (MSX) London Gateway Freightliner to Tinsley Intermodal Terminal is currently supported as a dated contingent right until December 2026 timetable change. 4E73 (MSX) is not a Y path as requested but a new right in place of 4E82 (MSX). Freightliner no longer has a train slot available under its Quantum Access Right in the Working Timetable and it has confirmed it is willing to relinquish the Access Right for 4E82 (MSX). Network Rail's support of 4E73 is dependent on the relinquishment of 4E82 to avoid Freightliner holding essentially duplicate rights. This relinquishment is not included as part of the 35th SA but Freightliner and Network Rail are progressing it separately. 4E73 should not be awarded until 4E82 is relinquished.
- 4E73 (SUN) London Gateway Freightliner to Tinsley Intermodal Terminal is currently supported as a dated contingent right until December 2026 timetable change.
- 4E91 (MO): Southampton M.C.T. to Leeds F.L.T. is supported as a firm right. This service formed part of the East Coast Main Line stitching exercise and was accommodated through the timetable development process. Network Rail is therefore supportive of the right, recognising that it supports established freight traffic and reflects services that have already been developed and integrated into the timetable. However, it should be noted that the service interacts with the North of Oxford level crossing position, which will need to be considered as part of any ongoing access rights discussions.
- 4D78 (SX) Tees Dock Corus FLT to Doncaster Europort is supported as a firm right.

This service formed part of the East Coast Main Line stitching exercise and was accommodated through the timetable development process. Network Rail is therefore supportive of the right, recognising that it supports established freight traffic and reflects services that have already been developed and integrated into the timetable.

- 4L07 (FO) Doncaster Europort (FL) to London Gateway Freightliner is currently supported as a dated contingent right until December 2026 timetable change.
- 4L54 (SX) Doncaster Europort (FL) to Felixstowe North F.L.T. is currently supported as a dated contingent right until December 2026 timetable change.
- 4L73 (SO) Tinsley Intermodal Terminal to London Gateway Freightliner is currently supported as a dated contingent right until December 2026 timetable change. 4L73 (SO) is not a Y path as requested but a new right in place of 4D09 (SO). Freightliner no longer has a train slot available under its Quantum Access Right in the Working Timetable and it has confirmed it is willing to relinquish the Access Right for 4D09 (SO). Network Rail's support of 4L73 is dependent on the relinquishment of 4D09 to avoid Freightliner holding essentially duplicate rights. This relinquishment is not included as part of the 35th SA but Freightliner and Network Rail are progressing it separately. 4L73 should not be awarded until 4D09 is relinquished.
- 4L73 (SX) Tinsley Intermodal Terminal to London Gateway Freightliner is currently supported as a dated contingent right until December 2026 timetable change. 4L73 (SX) is not a Y path as requested but a new right in place of 4L85 (MSX). Freightliner no longer has a train slot available under its Quantum Access Right in the Working Timetable and it has confirmed it is willing to relinquish the Access Right for 4L85 (MSX). Network Rail's support of 4L73 is dependent on the relinquishment of 4L85 to avoid Freightliner holding essentially duplicate rights. This relinquishment is not included as part of the 35th SA but Freightliner and Network Rail are progressing it separately. 4L73 should not be awarded until 4L85 is relinquished.
- 4N59 (MSX) Doncaster Europort (FL) to South Bank Tees Dock (Flt) is currently supported as a dated contingent right until December 2026 timetable change.
- 4N59 (SO) Doncaster Europort (FL) to South Bank Tees Dock (Flt) is currently supported as a dated contingent right until December 2026 timetable change.

Old Oak Common

Two rights are supported as contingent and dated to December 2029 to retain flexibility in timetabling as a result of Old Oak Common construction timetable changes. The rights concerned are:

- 4L30 (SX) Southampton M.C.T. to London Gateway Freightliner - It is also noted that this service conflicts with the Alliance Marchwood Section 17 application supplemental and has not operated within the last 90 days. Network Rail does not support this right.
- 4L33 (SX) Wentloog (Freightliners) to London Gateway Freightliner
- 4O50 (SO) London Gateway Freightliner to Southampton M.C.T.

Rights Partially Supported with Amendments

This application was originally submitted as a section 22 in March and was assessed against the Dec 25 timetable. Since then, there have been changes to the Dec 26 timetables and there are 4 services which have characteristics different to what was originally submitted, and we are able to support these, with amendments, as set out below.

We would also only support the following rights/amendments providing the operator confirms to Network Rail and ORR that they are willing to amend the Right sought to align with the Working Timetable:

- Network Rail supports the new right for 4L07HB (FO) provided it is amended to be routed via Grantham rather than Sleaford, in line with the current Working Timetable path. This right is also supported until December 2026 timetable change due to the ECML position
- Network Rail supports the new right for 4M52FB (SX) provided the destination is amended from Ditton (O'Connor) FLINER to Ditton Foundry Lane (AHC-FLR), in line with the current Working Timetable path.
- Network Rail supports the new right for 4L26HB (SX) provided the timing load is amended from 75C66S18 throughout to 75C66S18 changing to 75C66S16 at Wembley Receptions, in line with the current Working Timetable path. Please also refer to the Interactions section, as 4L26 interacts with the Grand Central Newcastle - Brighton Section 17 application.
- Network Rail supports the new right for 4L52HA (FO) provided the timing load is amended from 75C66S14 to 75C66S16, in line with the current Working Timetable path.

North of Oxford Level Crossings

Support for rights affected by the north of Oxford level crossing position reflects the capacity released through previous relinquishments and is consistent with Network Rail's established one-out, one-in approach. Support is therefore provided on the basis of the wider position set out further below in this representation regarding competing applications and the overall quantum of rights sought across the affected crossings. There are two rights affected by the north of Oxford level crossing position:

- 4E65 (SX): Southampton M.C.T. to Doncaster Eurosport (FL)
- 4E91 (MO): Southampton M.C.T. to Leeds F.L.T.

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 Right. In some instances, Network Rail is unable to support Rights where there is an increased risk, and mitigations are not agreed, not adequate or where Network Rail

wants to see if the mitigation outcome is successful.

Run checks for all trains included within this submission were originally completed in January 2026 as part of the Freightliner 31st Section 22 application. Following the ORR's request for representations, these checks have been repeated and identified that seven schedules have not operated within the preceding 90-day period. Network Rail's review covered the period from 19 April 2026 to 18 July 2026.

- 4D79 (SO): South Bank Tees Dock (FLT) to Doncaster Up Decoy Freightliner
- 4L07 (SO): Doncaster Europort (FL) to Wembley Receptions 1-7
- 4L07 (SUN): Wembley Receptions 1-7 to London Gateway Freightliner
- 4L30 (SX): Southampton M.C.T. to London Gateway Freightliner
- 4L80 (SO): Southampton M.C.T. to London Gateway Freightliner
- 4V36 (FO): Felixstowe North F.L.T. to Wentloog (Freightliners)
- 4V36 (FSX): Felixstowe North F.L.T. to Wentloog (Freightliner)
- 4V36 – Freightliner currently holds separate FO and FSX rights and is seeking to amend these rights to create a single SX right, alongside a number of amendments to align the right with the current Working Timetable. Freightliner has confirmed the relinquishment of the 4V36 (FO) right to facilitate the amendment of the 4V36 (FSX) right to an SX right. Although both services remain within the May 2026 Working Timetable, neither has operated within the last 90 days. As Freightliner continues to hold the underlying access rights, Network Rail will work with the operator to determine the most appropriate next steps.
- As these services are not currently in use, Network Rail is unable to support the retention of these schedules. Should they continue to remain unused, Network Rail will seek their removal through the Capacity Management Review Group (CMRG) process in accordance with the established capacity management arrangements.
- Network Rail does not support the right 4L54 (SO) between Doncaster Europort - Felixstowe North FLT. We can confirm that Freightliner was unsuccessful in securing this schedule within the December 2026 Working Timetable. Freightliner has been advised accordingly and has confirmed that this right can be withdrawn from its application going forward.

Assurance Assessments

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 output relates to specific access rights instead of the application, this will be highlighted in the relevant section.

Industry Consultation

Industry Consultation for this application commenced on 27th July 2026 and will conclude on 24th August 2026.

At the time of writing this letter there were no objections received from consultees. Responses will be collated and sent to ORR after the closing date for this consultation.

Capacity

Network Rail have carried out an assessment on this Freightliner 35th SA against other Section 17/22a applications, based on indicative timings provided as part of the relevant applications. This has resulted in identifying that the below applications and services have unresolved conflicts at this stage.

- 4L30 SX Southampton MCT to London Gateway Freightliner.
 - Conflicts with Alliance Rail Waterloo/Southampton-Marchwood Section 17. This application was rejected by ORR on 10th June 2026. It has recently been resubmitted with amendments.
 - Network Rail is not supportive of the right for 4L30 SX as the service has not operated within the last 90 days.
- 4D87 SX Tees Dock Corus FLT to Doncaster Europort
 - Conflicts with First Rail Stirling Lumo Cardiff-York Section 17. Network Rail provided its final representations on 05 December 2025 and were not supportive of the application.
 - Conflicts with Grand Central Newcastle-Brighton Section 17. Network Rail provided its final representations on 30 January 2026 and were not supportive of the application.
 - Network Rail is supportive of the right for 4D87 SX until December 2026 timetable change due to the ECML position.
- 4D78 SX Tees Dock Corus FLT to Doncaster Europort
 - Conflicts with First Rail Stirling Lumo Cardiff-York Section 17. Network Rail provided its final representations on 05 December 2025 and were not supportive of the application.
 - Conflicts with Grand Central Newcastle-Brighton Section 17. Network Rail provided its final representations on 30 January 2026 and were not supportive of the application.
 - Network Rail is supportive of the right for 4D78 SX until December 2026 timetable change due to the ECML position.
- 4D70 SO Tees Dock Corus FLT to Doncaster Europort
 - Conflicts with Grand Central Newcastle-Brighton Section 17. Network Rail provided its final representations on 30 January 2026 and were not supportive of the application.
 - Network Rail is supportive of the right for 4D70 SX until December 2026 timetable change due to the ECML position.
- 4L26 SX Lawley Street FLT to London Gateway Freightliner
 - Conflicts with Grand Central Newcastle-Brighton Section 17. Network Rail provided its final representations on 30 January 2026 and were not supportive of the application.
 - Network Rail's position on the right is that this interaction does not prevent support for the Freightliner right, subject to the amendment identified elsewhere in this representation. The reasons for not supporting the Grand Central application do not apply to the Freightliner right.
- 4M52 SX London Gateway Freightliner to Ditton Foundry Lane
 - Conflicts with WSMR Section 17. Network Rail provided its final representations

- on 09 January 2026 and were not supportive of the application.
- Network Rail's position on the right is that this interaction does not prevent support for the Freightliner right, subject to the amendment identified elsewhere in this representation. The reasons for not supporting the WSMR application do not apply to the Freightliner right.

There is the potential for rights in this application to interact with other currently unsupported applications due to shared geography. However, conflicts are not currently identified, unless identified above, based on the provided indicative aspirational timings.

- Alliance Rail Waterloo-Southampton-Marchwood Section 17. This application was rejected by ORR on 10th June 2026. It has recently been resubmitted/reissued for industry consultation with amendments and is yet to be formally submitted to ORR.
- Avanti – Liverpool to Euston Section 22A. Network Rail provided its final representations on 22 April 2026 and were not supportive of the application.
- First Rail Stirling Lumo Rochdale-Euston Section 17. Network Rail provided its final representations on 05 December 2025 and were not supportive of the application.
- First Rail Stirling Lumo Cardiff-York Section 17. Network Rail provided its final representations on 05 December 2025 and were not supportive of the application.
- First Rail Wales and Western – Paddington to Paignton/Exeter/Hereford Section 22A. Network Rail provided its final representations on 08 December 2025 and were not supportive of the applications.
- Grand Central 35th SA – Bradford Interchange to London Kings Cross & Wakefield Kirkgate – London Kings Cross Section 22A. Network Rail provided its final representations on 02 January 2026 and were not supportive of the application.
- Grand Central 32nd SA – Doncaster-Cleethorpes Section 22A. Network Rail provided its final representations on 31 March 2026 and were not supportive of the application.
- Grand Central Newcastle-Brighton Section 17. Network Rail provided its final representations on 30 January 2026 and were not supportive of the application.
- LSWR – Liverpool to Cardiff Section 17. Network Rail provided its final representations on 21 March 2025 and were not supportive of the application.
- WSMR Wrexham-Euston Section 17. Network Rail provided its final representations on 09 January 2026 and were not supportive of the application.

Congested Infrastructure

Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable between Crewe and Liverpool for electric traction and, in addition, early indicator warnings for Congested Infrastructure at Willenhall, Crewe and Washwood Heath on the West Coast Main Line (WCML) for electric traction. Trains in this application have been assessed against the known power constraints on WCML, and all can be accommodated within the current capacity. This is because they are Y paths to schedules with existing rights, so there is no capacity uplift.

Network Rail has given an early warning indicator for the section between Foxhall Jn and Wootton Bassett Jn on the Great Western Main Line (GWML). Rights in this application have been assessed, and none pass through these locations.

Network Rail has given an early warning indicator for the North London Line. There are some Rights sought in this application that use this infrastructure, but all are for services running in

the current timetable. The early warning indicator is explicit in saying that further growth across the route may have a disproportionate detrimental impact to performance. Given this is existing traffic, it does not exceed existing capacity.

All rights in this application have been considered alongside declared congested infrastructure on the East Coast Main Line. This includes the following declared sections:

- Huntingdon
- Northallerton
- Doncaster

Network Rail is content that all schedules in the application can be accommodated alongside other services in the May 2026 timetable.

East Coast Mainline (ECML)

Network Rail is currently only able to support new rights that traverse or cross the ECML until the December timetable change. The relevant headcodes are set out within the Rights Supported section, under the ECML Rights subsection and are labelled with the following status Contingent until Dec 26 due to ECML full timetable not running until 30th March, so performance assessment required.

These head codes are for services that interact with the ECML and are seeking firm rights; these services did not form part of the ECML Event Steering Group (ESG) performance modelling but the ability for them to be accommodated alongside the December 2025 timetable was assessed through the timetable development process. These services were accommodated alongside the proposed December 2025 timetable, operating as Train Operator Variation services.

While Freightliner was involved in the ECML ESG, these services were not part of that development process and were not included in the ECML Timetable Performance Analysis that is included in Network Rail's ECML General Representation to ORR dated 14 March 2025. As such, the performance impact of these rights would be over and above that already modelled and forecast for the December 2025 Timetable structure. With no relevant infrastructure upgrades, timetable, or quantum changes on the ECML between the introduction of the December 2025 and the May 2026 timetable, Network Rail believes that the original capacity and performance studies referenced in the 14 March 2025 ECML General Representation, and their conclusions, are still valid. Furthermore, our position of granting contingent rights on a six-month contingent basis until December 2026 is consistent with other operators that interact with the ECML, that could be accommodated in the May 2026 timetable but were not part of the ECML ESG.

ECML Performance

The December 2025 timetable included a phased introduction to enable a more robust plan, with some passenger train services not running from day one, which meant the timetable was not running in full until 30 March 2026 and so has had a bedding-in period. We require sufficient performance data – allowing for root cause analysis across all geographical areas of the ECML (Kings Cross-Edinburgh and Leeds) including off route locations with interacting traffic flows – to determine the scope and nature of any performance mitigations going forward. Network Rail believes 6 months of performance data, along with a reasonable time period to analyse the data, will allow us to ensure performance against our Control Period 7 performance targets set by ORR. Network Rail will work with operators to improve any performance detriment and

where possible move to a position where we can discuss the transition of contingent rights into firm rights.

Until that point, Network Rail can confirm it is supportive of contingent rights on the basis that a note is inserted into the rights table stipulating that these rights are contingent and are dated to expire before the start of the December 2026 timetable, and we request that in its directions ORR expresses no presumption of continuity.

North of Oxford Level Crossings

In our representations for competing and complex applications (ORR's letter of 24 April 2024) for rights being sought which would run over Level Crossings North of Oxford we stated:

"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) above the quantum modeled in December 2019. 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 firm 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."

Furthermore, we also stated in our representation letters "For full purposes of clarity, the restriction is on the sale of additional access rights, not the introduction of new services. This is an important point as capacity exists within the current risk assessments as not all paths that are in the WTT are being utilised on a regular basis due to the intermittent use of several freight paths. Should all access rights suddenly be exercised alongside additional rights being granted, this would result in a greater number of services operating across North of Oxford LX's than is acceptable."

Further to those competing and complex representations, and specifically in Grand Central's Section 17 (Brighton <> Newcastle) representation letter submitted to ORR 06 January 2026 Network Rail stated:

"It is understood that on most days, freight traffic uses existing timetable paths lightly enough to allow short term use of those paths. Nevertheless, for further access rights to be granted, Network Rail expects an equivalent reduction in rights elsewhere across the north of Oxford level crossings. To clarify, the restriction applies only to the sale of new access rights; although there is available capacity and not all Working Timetable paths are frequently used, if all access rights were exercised simultaneously along with any new ones, it would result in an unacceptably high number of services operating north of Oxford level crossings."

There are currently 5 known applications which are seeking access rights over these Level Crossings namely:

Grand Central Section 17 (submitted to Industry and ORR)
CrossCountry 48th SA (currently out for industry consultation until 15 August))
GBRf 45th SA (submitted to Industry and ORR)
DB Cargo 106th SA (being consulted on with Network Rail)
Freightliner 35th SA (submitted to Industry and ORR)

As stated in Network Rail's representation on Grand Central's Section 17 application, "...for further access rights to be granted, Network Rail expects an equivalent reduction in rights elsewhere across the north of Oxford level crossings." In line with that statement, Network Rail is now able to accommodate more rights than originally anticipated. This is because some freight rights affecting the north of Oxford level crossings have been relinquished, which has created additional scope for Network Rail to support further access rights at those crossings. However, the freight rights now being sought exceed the rights that have been relinquished through previous relinquishments. As a result, the relinquishments do not create sufficient capacity to accommodate the full quantum of freight rights sought across the relevant applications. Although the relinquishment of those freight rights was known at the time of Network Rail's January 2026 representations on Grand Central's Section 17 application, it was omitted from those representations by oversight. That omission would not, however, have changed Network Rail's overall position at the time.

Network Rail remains unable to accommodate the full quantum of rights being sought across all five applications. As previously set out in Network Rail's representation on Grand Central's application, CrossCountry's December 2026 aspirations and Grand Central's Section 17 application are competing rather than interacting. Network Rail cannot accommodate both aspirations from a capacity and performance perspective, irrespective of the position at the north of Oxford level crossings. In addition, while the previous freight relinquishments provide some additional headroom, the freight rights now being sought exceed the access rights that have been relinquished. While the below two rights sought do not increase quantum over what is tolerable alone, the combination of rights being requested cannot be supported across the north of Oxford level crossings. Network Rail therefore considers that ORR is required to make a choice between the competing/interacting access propositions, because Network Rail cannot support all of the rights sought in combination. This remains the case even if ORR were minded to direct positively on either Grand Central's Section 17 application or CrossCountry's December 2026 aspirations, because this would still leave more freight rights sought than have been relinquished. Network Rail has already submitted its final representations on Grand Central's Section 17 application and remains unable to support it for the reasons set out in that letter.

The access rights for consideration are:

- 4E65 (SX): Southampton M.C.T. to Doncaster Europort (FL)
- 4E91 (MO): Southampton M.C.T. to Leeds F.L.T.

Old Oak Common WTT Recast

In its Form F, Freightliner refers to Network Rail's previous position on the proposed GTS May '28 aspirational uplift. That point is now redundant, as Network Rail is no longer applying this position. Network Rail are partially supportive of these rights, supporting them as contingent and time limited to December 2029, noting that the same services remain unable to be supported by Network Rail beyond December 2029 as a result of the expected operational implications arising from the Old Oak Common works, including the anticipated December 2029 timetable recast.

The access rights for consideration are:

- 4L30 (SX) Southampton M.C.T. to London Gateway Freightliner – This right is not

supported as it has not run in the last 90 days. It also conflicts with the Alliance Marchwood Section 17 application.

- 4L33 (SX) Wentloog (Freightliners) to London Gateway Freightliner
- 4O50 (SO) London Gateway Freightliner to Southampton M.C.T.

Performance

Network Rail has assessed the performance of each headcode for rights Network Rail are supportive of against the following criteria:

- The primary metric for assessing performance is FOC on third party delay minutes and does not include any Network Rail causes. The principles applied in the assessment of the requested rights are as follows.
- A train causing over 500 minutes of third delay over the past 13 periods will be deemed to have failed the performance criteria and merit further investigation and queries to the operator.
- If the 500+ mins FOC on third party delay was due to a single significant incident, and no further issues have arisen in the past three months, then the train will have met the performance criteria, and no further action is required.

NB: If a train has run less than 50 times in the 13 periods being assessed, the process described above will still apply, but the initial assessment will be based on 250 delay minutes.

The following trains were initially identified as failing the assessment criteria. However, upon further scrutiny of the associated incidents, they were considered to have satisfied the performance assessment requirements.

This conclusion was reached as there was no indication of a systemic performance issue or adverse trend. Instead, the recorded failures were attributable to isolated incidents, including locomotive failures and other exceptional one-off events:

- 4D87 (SX) South Bank Tees Dock (FLT) to Doncaster Europort (FL) failed the performance threshold with 833 delay minutes.
 - Performance has been strong across the review period, with the failure largely driven by a single loco failure (TIN 825240, 652 minutes).
 - Network Rail supports this right until December 2026 due to its interaction with the ECML and because it was not included within the ECML performance modelling.
 - The contingent period allows Freightliner and Network Rail to review the service's performance and understand the impact of this additional traffic on the ECML before considering longer-term rights.
- 4L33 (SX) Wentloog (Freightliners) to London Gateway Freightliner failed the performance threshold with 1,624 delay minutes.
 - The delay minutes were caused by a small number of isolated incidents,

- including TIN 741015 (646 minutes), TIN 440136 (85 minutes) and TIN 406151 (74 minutes). No recurring issues were identified.
 - This right remains under consideration as part of and is subject to time-limited support.
 - The performance of the service does not give cause for concern, but any future support will need to align with Network Rail's wider approach to access rights affected by Old Oak Common.
- 4L52 (FSX/FO) Ditton (O'Connor) Freightliner to London Gateway Freightliner failed the performance threshold with 628 delay minutes.
 - The delay minutes were driven by isolated incidents, including a withdrawn driver and a late-start incident (TIN 608375 and TIN 439971).
 - Network Rail supports this right, subject to the timetable amendment set out in the Rights Partially Supported with Amendments section as there is no evidence of an underlying performance concern.
- 4L73 (SX/O) Tinsley Intermodal Terminal to London Gateway Freightliner failed the performance threshold with 826 delay minutes.
 - The delay minutes were primarily caused by a locomotive failure and a driver error incident (TIN 498752 and TIN 767254).
 - Network Rail supports this right until December 2026 under the ECML policy position.
 - This allows the service to continue operating while Freightliner and Network Rail review performance impacts as the ECML timetable continues to bed in.
- 4M58 (SX) London Gateway Freightliner to Trafford Park F.L.T. failed the performance threshold with 636 delay minutes.
 - The failure was largely driven by a single incident (TIN 980122, 486 minutes), with no wider performance concerns identified.
 - Therefore, Network Rail is supportive of this right.
- 4V30 (FO/FSX) London Gateway Freightliner to Wentloog (Freightliners) failed the performance threshold with 979 delay minutes.
 - Most of the delay minutes were caused by a single out-of-fuel incident (TIN 525270, 421 minutes).
 - The performance failure was caused by an isolated event and does not affect Network Rail's support for the service.

Network Rail was content to support the right set out below following the implementation of an agreed performance mitigation plan, with the service being retimed to dress the identified performance concerns.

- 4L58 (SX) Trafford Park F.L.T to London Gateway Freightliner failed the performance threshold with 1,283 delay minutes.
 - Performance analysis identified a recurring trend of late departures from Trafford Park. Freightliner subsequently retimed the service to reduce conflicts with arriving GBRf services.
 - Recent performance data shows a significant improvement following the timetable amendment. Network Rail fully supports this right.

Conclusion_

In this representation letter we have confirmed that we can partially support the access rights sought in this application. Our position on each right is detailed within this letter.

Network Rail has assessed this application against capacity, performance, safety and operational considerations, including interactions with other access applications and known network constraints.

Network Rail supports 9 rights sought as firm rights where they are shown in the Working Timetable, are in use, and satisfy our performance criteria.

We are supportive of 14 rights on a contingent or time-limited basis where further evidence, analysis or industry developments are required before longer-term, firm rights can be considered.

Of the 14 rights supported on a contingent or time-limited basis, 12 rights are supported on a contingent basis to December 2026 timetable change due to their interaction with the East Coast Main Line and the need for further performance assessment following the introduction of the full December 2025 timetable. Network Rail considers this approach necessary to ensure that the performance impacts of additional traffic can be properly evaluated before longer-term firm rights are considered.

A further 2 rights are supported on a time-limited basis until December 2029 due to the uncertainty associated with the future Old Oak Common timetable recast and associated infrastructure works. This approach preserves flexibility within the timetable development process while Network Rail continues to assess the implications of future timetable and infrastructure changes on the Great Western Main Line.

In addition, 2 rights within this application have been considered against the North of Oxford level crossing position. While Network Rail is able to support these rights as part of its overall assessment of this application, it remains the case that Network Rail cannot accommodate the full quantum of rights being sought across all current applications affecting the North of Oxford level crossings. Accordingly, the support expressed in this representation should be considered in the context of Network Rail's wider position regarding competing access rights proposals and the need for ORR to determine between competing aspirations where the total quantum of rights sought exceeds the available capacity.

Our support for the ECML-related rights is limited to a dated contingent period pending the availability and assessment of sufficient performance data following implementation of the full ECML timetable. Similarly, our position regarding the rights affected by the future Old Oak Common timetable recast remains subject to ongoing internal consideration and wider industry work.

Network Rail is also supportive of 3 rights subject to amendments being made to align the application with the current Working Timetable. Our support for those rights is conditional upon Freightliner confirming acceptance of the amendments detailed within this representation.

Network Rail is unable to support 7 rights which are not currently in use, those which could not be accommodated in the Working Timetable, or where other concerns identified through our assessment remain unresolved.

Where support is provided, it is on the basis of the assumptions, mitigations and positions regarding interacting and competing applications set out in this representation. Should ORR reach a different conclusion on those applications, the associated capacity and performance implications may require further consideration.

Taking these factors into account, Network Rail has identified within this representation those rights it supports, those it supports subject with conditions, and those it does not support. Network Rail considers that this letter constitutes its final representation on the application and provides sufficient information for ORR to reach a determination.

Yours sincerely

A large black rectangular redaction box covering the signature area. To the left of the box, there are handwritten marks that appear to be '7' and '1'.
Customer Manager