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Nigel Oatway
Access Manager

By Post and Email

26 November 2014

Dear Annette,

ACCESS TO RAIL FREIGHT SITES MARKET STUDY – SHORT CONSULTATION ON UN-DISCHARGED ACTIONS

This letter constitutes the response of DB Schenker Rail (UK) Limited (“DB Schenker”) to the short consultation issued by Office of Rail Regulation (“ORR”) on 28 October 2014.

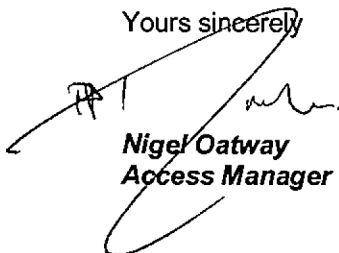
DB Schenker considers that considerable progress has been made on the key elements of the action plan including the establishment and publication of a Code of Practice on Access, which DB Schenker played its part in developing. We recognise that a small number of action items remain outstanding; however, as ORR acknowledges, the parties have been fully involved in the development of 'Project Mountfield' which has returned a significant number of freight sites back into Network Rail's direct ownership, thereby significantly changing the freight property arrangements.

This project has taken very considerable time and effort by the industry to deliver. DB Schenker has itself relinquished around 90 sites to Network Rail as part of the project which it believes will help achieve some of the outstanding actions of ORR's market study. These would include, questioning whether a Code of Practice aimed at enabling faster and more efficient transfer of leases between operators is still required and whether there is still a need to look at issues surrounding the defined term 'Nominated Location'.

With respect to the publication of information relating to sites, all parties have long acknowledged that this subject is rather complex in practice and DB Schenker expects this to be addressed by the forthcoming transposition of the Recast of the First Railway Package.

In summary, the above taken together with existing and established mechanisms for making appeals to ORR and the forthcoming changes concerning facilities as a result of European legislation, leads DB Schenker to concur with ORR's view that such developments have lessened any need for regulatory scrutiny in this area and that, therefore, the project should be formally closed on this basis.

Yours sincerely



Nigel Oatway
Access Manager