

From: ✕

Sent: Wednesday, September 20, 2017 6:20 PM

To: ✕

Cc: ✕

Subject: RE: Invitation for representations - GBRf Reply to Network Rail's Response

Importance: High

Dear ✕,

Thank for Network Rail's response, as a normal consultee, to GB Railfreight's Section 22A application.

My comments and corrections to your response are listed, below:

- 1) Network Rail's consultation response shows changes of dates and decisions regarding applications for Firm Rights that come into contact with the ECML. These changes, and the contents of this letter, still give no clear or robust reasoning why all parts of normal industry processes shouldn't continue with regard to this rights application and approval up to December 2026. GB Railfreight reiterates, once again, that current and effective mechanisms including "Use It or Lose It", instigated by either Network Rail or an operator, and the recently introduced Part J (J10) *Right of Network Rail to make an Access Right Change* are cross-industry processes, agreed and in place, to cater for future changes to Firm Rights. Lack of clear knowledge, at this point, on Network Rail's part should not be an excuse for not granting long-term access rights (with generous 60 minute windows).
- 2) Network Rail's response fails to mention that GB Railfreight is surrendering 72 Firm Rights, currently valid to December 2026, with almost all of them running along the ECML. It goes without saying that there could easily be replacements for these from the new and amended rights being applied for in this application. It appears there is, therefore, no consistency in Network Rail's thought processes behind this application which GBRf finds very disappointing and not in line with the ORR Criteria and Procedures (2011) document for granting track access rights.
- 3) GB Railfreight does not agree with the point in Network Rail's penultimate paragraph stating that, in Appendix 2, those Firm Rights highlighted in orange do not have an associated Train Slot but have the reasonable potential to. All of the Firm Rights Network Rail has highlighted, in orange, do all already have a validated and offered train slot in the current and future timetables.
- 4) With regard to the final paragraph, GB Railfreight has a very strong view on this. All TOCs, FOCs and Network Rail spent the best part of two years debating changes to the model Freight Track Access Contract. It is not acceptable to just start not supporting the filling in of the Minimum Turn Round columns on an ORR approved document. They are there to be completed to provide the association and requirements of the rights applicant and have been in place for many years. These actually ought to be filled in for every right, given the industry agreed these columns should be included in the rights table. The wording in the Special Terms column clarifies these minimum turn rounds and Network Rail has already agreed the use of this mechanism for previous GBRf and other companies' applications. Consistency of application must be maintained.
- 5) For all of the reasons originally stated in GBRf's Section 22A and the very specific points above, GB Railfreight cannot agree to what Network Rail is proposing regarding the non-support of access rights along the ECML post Subsidiary Change Date 2019, as indicated in Network Rail's Appendix B version of the GBRf Rights Table (dated 20th September 2017).

Now that I have replied to your response, and once you have been invited by ORR to do so, I believe you are then able to submit the fully signed up application forms and all supporting documents (up to and including this response) to ORR for consideration. Please let me know when you wish me to sign the application.

Regards,

✘

National Access Manager,
GB Railfreight Ltd.,
3rd Floor,
55 Old Broad Street,
London, EC2M 1RX.

✘.

GB Railfreight Ltd. Registered in England & Wales No. 03707899.
Registered Office: 3rd Floor, 55 Old Broad Street, London, EC2M 1RX.

From: ✘

Sent: 20 September 2017 16:37

To: ✘

Cc: ✘

Subject: RE: Invitation for representations

✘,

I provide here Network Rail's representations on GB Railfreight's Section 22a application.

Kind Regards

✘

Customer Relationship Executive
Freight and National Passenger Operators
Network Rail

M: ✘

From: ✘

Sent: 11 August 2017 16:45

To: ✘

Cc: ✘

Subject: Invitation for representations

Dear ✘,

Please see attached a letter from us, asking for your representations on the attached application by GB Railfreight.

We have given a deadline for your representations of 20 September 2017. This is after the September SoAR panel. Please could you use this time to continue to work with GBRf on its proposed SA, and set out the areas where there is agreement and which remain disputed. You and GBRf will also wish to complete the industry consultation in that time and clarify/resolve any issues, so far as you can.

There is a separate deadline of 25 August for the notification to us of any interested persons.

If you have any questions, please do get in touch.

Regards,

✘ | **Senior Executive, Access and Licensing**

Office of Rail and Road | One Kemble Street | London | WC2B 4AN

Tel: ✘

Web: www.orr.gov.uk | Twitter: [@railandroad](https://twitter.com/railandroad)