

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A FREIGHT TRACK ACCESS CONTRACT, OR AN AMENDMENT, UNDER SECTIONS 17-22A OF THE RAILWAYS ACT 1993

1. Introduction

Please use this form to apply to the Office of Rail and Road (ORR) for:

- Directions under section 17 of *The Railways Act 1993* (the Act) for a new track access contract. This is for companies who want to use Network Rail's network where the parties are not able (for whatever reason) to reach agreement.
- Approval for a new track access contract under section 18 of the Act. This is for use where terms have been agreed by the parties.
- Approval of a proposed amendment to an existing track access contract, agreed by both parties, under section 22 of the Act.
- Directions under section 22A of the Act for an amendment to an existing track access contract. This is for someone seeking an amendment to an existing track access contract to permit more extensive use of the railway facility if the parties are not able, for whatever reason, to reach agreement.

Network Rail should normally take responsibility for the pre-application consultation, where the terms are agreed. Before a consultation is made, complete this form up to the end of section 7. You should fill in the rest of the form after the consultation and before applying to ORR.

If, in the case of section 17 and 22A applications, the beneficiary and Network Rail have been unable to agree terms, the beneficiary should:

- (a) ask Network Rail to conduct a pre-application consultation in line with the code of practice; or
- (b) conduct a pre-application consultation itself, in line with the code of practice; or
- (c) submit the application to ORR and ask ORR to conduct the consultation, in which case, please complete this form in full before submitting it to us.

The form sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) explains the process, timings and the issues we will consider. You should use our current [model freight track access contract](#) as your starting point. Please read the guidance before completing the contract and this form.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#).

You may also use and adapt this form to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

2. The application

2.1 Title of contract or supplemental agreement (please also include the section of the Act under which you are applying):

GB Railfreight Limited 4th Supplemental Agreement
to the December 2016 Track Access Contract – Section 22A Application.

2.2 Contact details (Company and named individual for queries):

<u>Facility Owner</u>	<u>Beneficiary</u>
Company: Network Rail Infrastructure Limited.	Company: GB Railfreight Limited.
Contact individual: Nick Coles. Job title: Customer Relationship Executive.	Contact individual: Ian Kapur. Job title: National Access Manager.
Telephone number: 07739 775610.	Telephone number: 07818 421220.
E-mail address: nick.coles@networkrail.co.uk .	E-mail address: ian.kapur@gbraillfreight.com .
Address: 6 th Floor, One Eversholt Street, London, NW1 2DN.	Address: 3 rd Floor, 55 Old Broad Street, London, EC2M 1RX.

2.3 Licence and railway safety certificate: please state whether you intend to operate the services yourself or have them operated on your behalf.

GB Railfreight (GBRf) intends to operate the services itself.

Does the proposed operator of the services (a) hold a valid train operating licence under section 8 of the Act or an exemption under section 7, or a European licence with a GB Statement of National Regulatory Provisions issued under the *The Railway (Licensing of Railway Undertakings) Regulations 2005* **and** (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006?

If the answer to either (a) or (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate (as relevant).

GB Railfreight (GBRf) holds a valid operating licence under Section 8 of the Railways Acts 1993. GBRf also holds safety certificates, Part A and Part B, under Regulation 7 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

3. The proposed contract or amendment

3.1 Executive summary: please provide an executive summary of the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed.

This information should be laid out clearly and concisely; and, in the case of an amendment, fully highlight the changes from the previous version of the contract.

Please also explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

Please also state the commencement and expiry dates for the proposal, and, for new contracts or extensions to existing contracts, provide justification for the proposed duration of the contract where the total exceeds five years.

Date of commencement: As soon as this supplemental is approved.

Expiry date: December 2026 (PCD 2026).

In its 2nd Supplemental Agreement, GB Railfreight amended its rights table to take into account large scale alterations to the UK's power station requirements resulting in 186 Firm Rights being extinguished and many changes to others.

In this 4th Supplemental Agreement, also centring on the changing energy market, GB Railfreight is seeking to incorporate further changes to its Firm Rights, as highlighted, in the accompanying Schedule 5 rights table.

In summary, GB Railfreight is extinguishing 72 Firm Rights, applying for 114 new Firm Rights and amending 45 Firm Rights. In the case of the vast majority of flows, new efficient rights are being requested, with the older redundant rights being extinguished. A large amount of change has taken place to tidy up rights over the traditional coal and biomass routes.

Changes to GBRf's rights table are led by the very recent cross-industry ESI Review of all coal and biomass services so far. For GBRf, these changes are to its revised coal services from Immingham to Cottam, West Burton, Ratcliffe and Eggborough power stations, from Port of Tyne and Liverpool to Drax for altered biomass traffic flows and from the Port of Blyth to Cottam, West Burton & Drax power stations.

New rights are also being sought for a new-to-rail 10 year contract of biomass from the Port of Tyne to the newly-converted Lynemouth power station commencing on 1st October 2017.

No material safety risks have been identified as arising from this application.

3.2 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): please set out here any areas of the application which have ***not*** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions. Please state the efforts you are making to resolve any disputes.

Section 22A: As is right and proper, GB Railfreight was positively encouraged by Network Rail to apply for Firm Rights for the extensive cross-industry change to its energy train plan which, amongst other things, has released valuable capacity where it is no longer needed.

This 4th Supplemental was submitted to Network Rail, under a Section 22 application on 3rd March 2017 (the Priority Date for the December 2017 Timetable), with proposed 60 minute windows for both the arrival and departure times. This has been proposed in response to ORR's Directions Letter, of 29th February 2016, which states that it expects the default position for window size of future firm freight rights to be one hour windows.

On 22nd May 2017, Network Rail responded with its Executive Summary, from an internal rights review meeting, stating that this application of rights should be altered to propose only 24 hour windows (instead of GBRf's 60 minute windows) from Principal Change Date 2019 (PCD 2019), where they traverse Mirfield or the Calder Valley route and only 24 hour windows from Principal Change Date 2020 (PCD 2020) where they traverse the East Coast Main Line. No formal minutes of this internal meeting were received, and still have not been received, by GBRf.

GB Railfreight is strongly against this view, not only because of the ORR's direction on the default position for the window size of future firm freight rights, but also because the reasons given for not supporting 60 minute windows through to December 2026 are very unclear, inconsistent, not properly thought through and not backed up by any particular references to the relevant sections of the *ORR Criteria and Procedures for the Approval of Track Access Contracts* document.

Network Rail's initial reasoning for not supporting 60 minute windows, through to the end of GBRf's Track Access Contract, include the following specific timetabling issues. Copies of Network Rail's and GBRf's e-mail responses are included in this application:

- Trans-Pennine Route Upgrade Project (currently at GRIP 3 and not fully funded) need to be considered against this application, with respect to diversionary route requirements during construction and a timetable re-cast at appoint yet to be specified and made firm.
- Planned ECML timetable re-cast from December 2020, specifically between Doncaster and Leeds, and a reduction in available capacity during the timescale of unspecified works.

Following further various correspondence, which is also attached, it appears to GBRf that Network Rail does not have a clear, robust or legitimate position on access rights over the ECML or across Trans-Pennine routes.

Network Rail's latest view on GBRf's application (dated 29th June 2017) is also attached to this application and makes it clear that there is still no firm and legitimate view on access rights, especially on LNE Route.

Little has changed since the original submission to Network Rail and this cannot be allowed to continue. GBRf, therefore, requires ORR to direct on the attached GBRf proposed 4th Supplemental Agreement.

3.3 Departures from ORR's current model freight track access contract: please set out and explain here any:

- Areas where the drafting is different to ORR's published template freight track access contract. Please explain why these departures have been made.
- Instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model freight track access contract, including the financial implications (e.g. establishment of an access charge supplement or rebate).
- New processes (e.g. self-modification provisions) which have been added. Please demonstrate how these new processes are robust and complete.

No departures from the model freight track access contract.

4. The expression of access rights and the use of capacity

4.1 Benefits: Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Why do you need these new rights (if any)? Please describe any significant changes in the pattern of services and any impact on other operators, including other freight operators. Please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

Compared with its track access contract up to and including the 2nd Supplemental Agreement, GB Railfreight is extinguishing 72 Firm Rights, applying for 114 new Firm Rights and amending 45 existing Firm Rights. Representing purely the coal and biomass energy sector, the rights being sought are all with 60 minute windows and a full description of the deleted, new and amended rights can be found in Appendix A, a rights table purely showing the rights that are being sought. Note – this is not a full rights table showing GB Railfreight's other unaffected rights.

The traffic flows concerned feature these main flows and some associated movements:

- Coal traffic between Immingham and Ratcliffe Power Station.
- Coal traffic between Immingham and West Burton & Cottam Power Stations.
- Coal traffic between Immingham and Eggborough Power Station.
- Coal traffic between Port of Blyth and West Burton & Cottam Power Stations.

- Coal traffic between Port of Blyth and Drax Power Station.
- Biomass traffic between Liverpool Biomass Terminal and Drax Power Station.
- Biomass traffic between Port of Tyne and Lynemouth Power Station.

The proposed alterations will give GB Railfreight more certainty that it can fulfil its current contractual obligations, along with a brand new contract of biomass, and also continue expanding its rail freight activities and realise the large investment it has made in its long-term assets and leases, many of which have a life-span of over up to 30 years.

This supplemental releases much network capacity where it's no longer needed and seeks to secure capacity only where it is now needed. A large amount of work has been carried out by GB Railfreight planners to totally re-write paths into efficient and optimal train slots, thus releasing valuable capacity along the ECML and across Trans-Pennine routes, to name just two. Many paths have significant time savings, with one up to 3 hours saved on the end-to-end journey time.

For running off the network on to private infrastructure, this requirement is defined in Section 6.4.1 of the model Track Access Contract (Freight Services) and GB Railfreight has, therefore, agreed specified timings at both the listed ports and power stations. Indeed, one of GBRf's end customers, Drax Power, has been very closely involved with these changes, ensuring that many freight operators' re-written timetables are entering and leaving their premises at the correct time and in the desired order.

The listed, off-network, locations have multiple rail operators using the facilities and, therefore, a quite rigid daily loading and unloading plan must be adhered to for these inter-connected trains. These freight terminal plans, all over the country, is what drives GB Railfreight to require a maximum limit of 60 minute windows in this rights application.

When multiplied by the number of services run by several freight operating companies, it's clear that a limit on total flexibility is needed for services to run in a robust manner. As detailed below, GB Railfreight believes the 60 minute flexing window is an appropriate and measured window.

Without the level of specificity that the proposed Firm Rights offer, a change to one particular service, greater than within the 60 minute window, will lead to required changes for all other freight services using specific terminals. Re-timings of all services could lead to considerable change to the timetable, nationally, as alterations would ripple far and wide.

Biomass and coal services require minimum possibility of change due to the complexity of terminal workings described above and other specific reasons.

The movement and burning of different types of coal (e.g. high and low sulphur varieties) at power stations, and specifically the importance of the delivery order of various coals to be blended before burning, means that the timing of these pathways needs to be protected as far as possible.

Drax produces 8% of the UK's energy feed into the National Grid, with the winter peak usage in the UK working to a margin of no more than 4% surplus. The "insurance policy" of 60 minute windows for paths to Drax is needed to ensure the supply chain is not drastically altered between timetables.

In addition, the use of specified robust and little-changing time slots, at off-network locations, can only be good for performance on the network.

In the fully marked up version of the Schedule 5 Rights Table (Appendix A), the 60 minutes of requested flex, for each of the arrival and departure windows, initially gives Network Rail two hours-worth of available flexing. This, immediately, is a generous flex and gives a reasonable balance between giving Network Rail flexibility to create new timetables but not destroying GBRf's service patterns and, therefore, its whole asset base.

On top of the proposed two 60 minute flexing windows, and despite the optimisation work, the vast majority of GB Railfreight's schedules still contain an amount of pathing time, as they follow other slower stopping services and also time spent in loops for other passenger trains to pass. These pathing and looping times are already built in to the schedules and offer yet more flexibility if everyone's current flexing rights are used as necessary.

In addition to all of the above, yet more flexing is currently available to capacity planners. Under Condition 10 of Part J of the Network Code, Network Rail is able to give notice of a proposed Access Right Change if it reasonably believes this will achieve better use of the Network and also that the positive impact of the change was not reasonably foreseeable when the relevant Firm Right took effect.

This condition is already in place and gives Network Rail its flexibility, were the current Part D and J conditions not to be suitable for Network Rail to create a "better" timetable.

It is for these reasons that GB Railfreight believes that 60 minute windows for all manner of freight, including bulk traffic such as biomass and aggregates, is the right balance and that it doesn't believe there is any effect on other freight operators.

4.2 Adequacy: please set out how you have satisfied yourself that there is enough network capacity for the proposed and/or amended services (or will be at the time of service operation). Please also set out whether there are any implications for overall network performance and the facility owner's maintenance and renewal activities. Please confirm whether the proposed Rights will involve operation over an area subject to a Declaration of Congested Infrastructure, or whether the capacity requirement will result in a Declaration of Congested Infrastructure by Network Rail (under the Network Code).

All of the Rights sought in the proposed supplemental agreement have been approved by Network Rail's Sale of Access Rights Panel. They take into account the Operating Constraints which are the Engineering Access Statement detailing possession opportunities for the Infrastructure Maintainer, the Timetable Planning Rules, also the Working Timetable and associated Sectional Appendices to ensure trains run within the capability of the Network.

In the cases of flows 913, 914, 927, 928, 929 and 930 (six rights between Port of Tyne and Lynemouth power station), agreement with Network Rail to alter the applicable Engineering Access Statements for the December 2017 Timetable, was reached on 2nd March 2017. These agreed changes will be shown in Version 4 of the 2018 Engineering Access Statement.

In offering validated paths, Network Rail will have satisfied itself that the slots are fully Timetable Planning Rules compliant and that appropriate use has been made of available capacity taking into account the Decision Criteria.

The slots are in currently recognised freight pathways (as the timetable is currently constructed) and therefore capacity does exist for these services.

Sufficient network capacity, and also pre-agreed off-network capacity, has been found without any infrastructure enhancements currently being required.

4.3 Firm Rights: Do these Firm Rights in the proposal contract relate to service freight haulage contracts which you hold or will hold? If so, how? How does the duration of these haulage contracts compare with the duration of the proposed track access contract?

The proposed Freight Access Rights, with 60 minute windows at each end, are to support new and on-going time-critical freight services for electricity supply industry (ESI) contracts already gained by GB Railfreight. Biomass services are particularly time-sensitive although the timing of a mix of coal and biomass trains discharging is also critical to successful energy generation.

These services, many of these six days a week in each direction, require clearly defined arrival and departure times to tie into port and power station terminal slots at each end of the route. Tightly defined train slots (60 minute windows) also help to ensure that the very large investment in infrastructure and newly-built locomotives and wagons are used to their maximum and there are no stranded investments over the course of their 30 year life. This is also paramount to both delivery of product and on-going network performance.

Approving these rights for the full period of GBRf's track access contract gives GBRf and its customers the confidence to service their contracts, some of which are beyond the length of this contract and also to confidently renegotiate said contracts, when due, on an equal basis with other freight operators.

The rights are proposed to be used to the end of this GBRf contract but the long term need for these traffics extends beyond any existing freight haulier track access contract expiry date. When any of the Freight Access Rights are no longer required during the course of this contract, there are two processes that currently cater for changes to be made to GBRf's track access contract and, therefore, the removal of rights and train slots on a regular basis:

Condition J9 – The Rights Review Meeting: This states that Network Rail shall hold Rights Review Meetings with operators as frequently as necessary in order for it to ensure that capacity on the network is shared in the most efficient and economical manner in the overall interests of users, providers, potential providers and funders of railway services.

This condition exists now and should be the main driver of always ensuring maximum capacity. In essence, this application is exactly the result of such a review.

Capacity Management Review Group: This is the joint Freight Operating Companies & Network Rail capacity working group, having started in April 2014 as a result of the CP5 Freight Access Charges determination. Its purpose is to review and amend current and future rail freight paths based on a "usefulness" and "reasonableness" test. After discussion, GB Railfreight train slots are either removed from the timetable or turned into strategic capacity.

From 9th April 2014 up to the current date, 4703 freight paths have either been completely removed from the timetable or put into the Strategic Capacity Statement. This system is the correct way forward and strikes the right balance between removal of unused rights & paths and keeping relevant and useful paths for strategic capacity.

The Capacity Management Review Group convenes every three months to ensure correct industry decisions are made. These two mechanisms are how any rights that are not being exercised are removed from GB Railfreight's long-term track access contract.

4.4 Contingent Rights: please set out the extent to which you expect to use the Contingent Rights in the application. In particular, please state whether the proposed rights are seasonal (e.g. 3 months each year) or occasional (eg MO, SX, etc).

There are no contingent rights in this application.

4.5 Window size: Please set out the reasons for the origin and destination window sizes used in the Rights Table in Schedule 5.

As stated in paragraph 76 of ORR's "*Directions in respect of a track access contract between Network Rail Infrastructure Limited and GB Railfreight Limited*" document, dated 29th February 2016, ORR expects the default position for window size of freight Firm Rights, backed by commercial contracts with end users, to effectively be one hour windows.

One hour windows will preserve each of GBRf's end-users' confidence in its ability to provide the train services and timings they need, and enables GBRf to plan the future of its business with a reasonable degree of assurance.

In addition, GBRf believes that the detailed explanations given in Sections 4.1 – 4.3 articulate the reasoning why a 60 minute window is fair and reasonable for GBRf in managing its business with a reasonable degree of certainty.

4.6 Long term planning process: please state which Route Studies are relevant and whether the proposed rights are consistent with them. If they are not consistent please give the reasons. See Network Rail's [website](#). What consideration has been given to any issues emerging from relevant Event Steering Groups concerning capacity on the routes covered by the application (if Network Rail network).

This application is consistent with all established Route Studies on the UK Rail network. Additionally, the *Long Term Planning Process: Freight Market Study*, established in December 2013, has stated that, overall, rail freight is expected to continue to grow strongly with, for example, biomass traffic predicted to grow from approx. 0.8 billion tonne km in 2014 to approx. 2.3 billion tonne km in 2023, representing huge growth in under 10 years.

This application is also consistent with the new Freight Network Study, currently in draft form, and likely to be published within a month, which states that average annual rail freight growth is approximately 3%.

It should be noted that many of the rights being surrendered are centred along the East Coast Main Line, and particularly around the Doncaster area. Many rights to and from the Port of Tyne to Drax have been updated to reflect far better use of network

capacity. This should, therefore, assist the various future ESGs and capacity studies that deal with the relevant areas.

5. Incentives

5.1 Train operator performance: please describe any planned projects or initiatives associated with the operation of the proposed services aimed at improving your performance (including faster or longer trains).

Contained in the agreement between GB Railfreight and its customers are performance regimes which include right time arrivals and departures as KPIs with financial penalty. GB Railfreight is working closely with Network Rail to ensure the reliability and performance of all its train services. This includes, but is not limited to:

Regular joint performance meetings between GB Railfreight and Network Rail to analyse and then correctly attribute all delays which will then help to focus on correcting the right issues.

The use of i-Pad is now being used for remote condition monitoring, mainly for levels of fuel, sand, brake blocks and coolant with a view to reducing main line failures and delays. This is a novel way to anticipate faults before they occur and using technology to help improvement performance over all routes.

GBRf is looking at how i-Pad technology can improve industry performance, from having documents delivered electronically to a driver, to having in-cab systems that inform drivers if they are running late. A new mobile consisting of trains into TOPS is also looking to be rolled out.

GBRf is actively involved with Network Rail Right Time Railway Groups, the Freight Performance Improvement Steering Group, the Freight Forum and various other Route Timetable Planning meetings. Over the past three years, GBRf has increased its performance team from one dedicated person to four people, full time. This has allowed the company to critically analyse data and make changes leading to continuous improvement, including altering WTT schedules.

The aim of all of these is to realise a better operational plan and to deliver more robust freight performance throughout the network. These are all Network Rail / GBRf joint initiatives as part of the Freight Reform Programme and help to provide more accurate Sectional Running Times and offer an increased level of clarity for unexplained delays.

In addition to the above, performance regime briefs are regularly given to all GBRf staff, including drivers, ground staff and controllers and all new performance incentives have been introduced with GB Railfreight's locomotive and wagon maintenance suppliers.

All of these will help improve network performance for a large percentage of trains that GB Railfreight runs.

5.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

No planned projects for services in this application.

5.3 Restrictions of Use: set out and explain the reasons for any changes from the Restrictions of Use regime in the model freight track access contract (Schedule 4).

There are no changes to the Restrictions of Use regime.

6. Enhancement

6.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

There are no network enhancements associated with this application nor are any of the proposed services subject to network enhancements.

6.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with ORR's [Policy Framework for Investments](#), and summarise the level and duration of payments, and the assumed rate of return (see chapter 3 of the Conclusions document).

Not relevant to this application.

7. Other

7.1 Associated applications to ORR: please state whether this proposal is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts).

This proposal is being made in parallel with GB Railfreight's 2nd Supplemental Agreement which is still in consultation.

7.2 Unregulated access: please comment on whether any contracts are being negotiated for access to a facility adjoining Network Rail's network (e.g. to a freight light maintenance depot), including where ORR's approval is not required. For more information, see [The Railways \(Class and Miscellaneous Exemptions\) Order 1994](#). (This is relevant in the context of clause 6.4 of the model contract.)

Not relevant to this application.

7.3 Supporting information, side letters and collateral agreements: please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application).
- confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

Appendix A – A marked up version of only the changes to GBRf's Schedule 5 Rights Table. Changes are marked up in yellow.

Appendix B – E-mail correspondence between GBRf and Network Rail, from 22nd May 2017 to 20th June 2017, regarding the original Section 22 submission.

7.4 Confidentiality exclusions: please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the application sent to consultees for any pre- application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application you want us to exclude from publication.

No confidentiality exclusions necessary.

8. Pre-application consultation

Note: Where a pre-application consultation is to be undertaken in line with the Code of practice for industry consultations, the remainder of this application should not be completed until after that consultation has been completed.

8.1 The consultation: has a pre-application consultation been carried out in line with the [Code of practice for industry consultations](#)? If yes, please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain the reasons and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised.

Not applicable at this stage.

8.2 Resolved issues: please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation.

Not applicable at this stage.

8.3 Unresolved issues: please set out any issues raised by consultees which have **not** been resolved to the consultee's satisfaction, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

Not applicable at this stage.

9. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution

In the case of agreed applications under section 18 or 22, the facility owner should fill in the information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date.....

Name (in caps) Job title

For (company)

For section 18/22 applications, please provide a letter of support from the beneficiary or ask them to sign here:

Signed Date.....

Name (in caps): IAN KAPUR Job title: National Access Manager

For (company): GB Railfreight Limited.

10. Submission

10.1 What to send: please supply, in hard copy or electronic format, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information.

10.2 Where to send it:

Freight Track Access Manager
Access and Licensing Team
Directorate of Railway Markets and Economics
Office of Rail and Road
One Kemble Street
London
WC2B 4AN

Email: track.access@orr.gsi.gov.uk