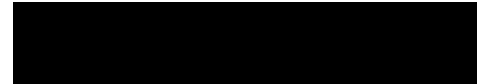




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**Quentin Hedderly**  
Regulatory Specialist



22 July 2024

Dear Ryan,

### **Response to Network Rail Representations for DB Cargo (UK) Ltd's proposed 84<sup>th</sup> Supplemental Agreement**

Thank you for the opportunity to comment on Network Rail's representations.

It does not instil confidence of a successful and early resolution to read "*Network Rail has not yet had an opportunity to fully consider its position on this application and whether it can eventually support the proposed access rights.*"

Freight operators have witnessed nearly a decade of contingent, time-limited rights for freight traffic over critical ECML infrastructure. The suggestion, proposed by Network Rail, that this approach be more widely adopted, with no presumption of continuity would be very damaging. The uncertainty and risks around timetabling and allocation of capacity will continue to influence investment decisions adversely.

DB Cargo is sceptical of the arguments put forward by Network Rail concerning the impact of the proposed ECML ESG timetable in respect of this application. The suggestion that Network Rail will only be in a position to assess this application post a decision on ECML ESG implementation is nonsense. It rather suggests that the application wasn't examined in any detail as part of any initial view.

The appendix includes some commentary at regional level. Appendix B (North West & Central) includes a lengthy paragraph concerning power supply, which has no relevance to this application. A further 2 paragraphs relate to empty (passenger) rolling stock and power supply and are without relevance to this application.

Appendix B contains a paragraph identifying a further 3 geographic areas (described as key interacting locations) not listed in the ORR letter of 24th April 2024. None of the access rights DB Cargo is seeking in the proposed 84<sup>th</sup> SA concern any of the three key interacting locations listed. Appendix C (Wales & Western) focuses on Oxford. Whilst this is relevant given proximity to Morris Cowley, the level crossing issues highlighted at Sandy Lane and Yarnton are not of relevance to this application. A copy and paste approach would appear to have been applied, rather than addressing the detail of this submission. It is disappointing to see a stock response from the Southern Region in

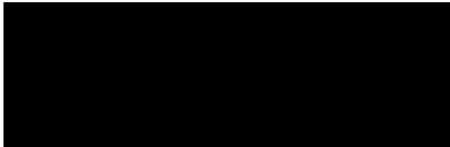


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Appendix D when the application concerns a very limited number of automotive train slots for which DB Cargo is seeking rights, all of which have been operating for months.

Please don't hesitate to contact me should you have queries concerning the proposed 84<sup>th</sup> SA.

Yours sincerely,



***Quentin Hedderly***  
***Regulatory Specialist***

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