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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 87<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.

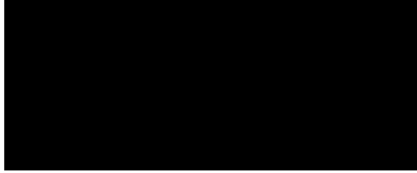
The appendix includes some commentary at regional level. A paragraph in Appendix B (Eastern Region) relates to rolling stock and power modelling. This has no relevance to the proposed 87<sup>th</sup> SA as the access rights DB Cargo is seeking relate to diesel-hauled freight flows. Appendix C (North 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.

Appendix C contains a paragraph identifying a further 3 geographic areas (described as key interacting locations) not listed in the ORR letter of 24<sup>th</sup> April 2024. None of the access rights DB Cargo is seeking in the proposed 87<sup>th</sup> SA concern two of the three key interacting locations listed. Comments in Appendix D concerning the Cardiff area and timescales for evaluating optimisation of capacity are concerning.

Please don't hesitate to contact me should you have queries concerning the proposed 87<sup>th</sup> SA.

Yours sincerely,

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