



Ryan Holt Esq.
Regulatory Policy Manager
Office of Rail and Road
25 Cabot Square
London
E14 4QZ

DB Cargo (UK) Limited
Lakeside Business Park
Carolina Way
Doncaster DN4 5PN

Quentin Hedderly
Regulatory Specialist



22 July 2024

Dear Ryan,

Response to Network Rail Representations for DB Cargo (UK) Ltd's proposed 88th 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 encouraged by the suggestion to progress the Mendip related access rights as business as usual, noting Network Rail's view that these do not form part of the interacting rights workstream.

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 88th 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 24th April 2024. None of the access rights DB Cargo is seeking in the proposed 88th SA concern any of the three key interacting locations listed.

Please don't hesitate to contact me should you have queries concerning the proposed 88th SA.



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Yours sincerely,



Quentin Hedderly
Regulatory Specialist

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