

Jason Bird,  
Freightliner

Via email: [JBird@freightliner.co.uk](mailto:JBird@freightliner.co.uk)

24 April 2014

Dear Jason,

Thank you for your email addressed to Rachel Gilliland, dated 28<sup>th</sup> March 2014 regarding Alliance Rail Holdings' (Alliance) Section 17 proposal.

Our proposals will require services to make optimum use of the infrastructure, and we expect that this will be in accordance with the established industry rules contained in the Network Code and within the available contractual flex contained in operators' contracts.

You make the comment that there is no indication of how services will be accommodated alongside 'existing firm rights'. Whilst I understand your concern, I must point out that many of those rights do not extend to the dates of our proposed service. Irrespective of the position, you will be mindful of the provisions of Para 18 (5) of the Railways Infrastructure (Access and Management) Regulations 2005 ("AMR"), and you will be aware that if a better use of the infrastructure is found, then the contractual rights can be changed.

In your response you make specific reference to having concerns which are identical to those raised in your response to our Section 17 application for services between Edinburgh and London King's Cross. In response to this statement I would refer you to our previous letter sent on 12<sup>th</sup> February 2014.

Alliance does expect a timetable re-cast to be necessary to make best use of additional capacity. Network Rail is already planning two ECML timetable re-casts for December 2016 and December 2018, as is made clear in the latest issue of the Calendar of Events. This will require an Event Steering Group to be established to take forward the development of these timetables. I therefore again take issue with your comment that we have made a '*..blithe assumption that a recast can solve the problem..*'.

Yours sincerely,



Ian Yeowart  
Managing Director