Gordon Herbert.
Track Access Executive,
Office of Rail Regulation,
One Kemble Street,
London, WC2B 4AN.

15th January 2015

Dear Gordon,

CONSULTATION ON THE PROPOSED 25th SUPPLEMENTAL AGREEMENT (SECTION 22A)
TO THE TRACK ACCESS CONTRACT BETWEEN NETWORK RAIL INFRASTRUCTURE LIMITED
AND FREIGHTLINER HEAVY HAUL LIMITED:

Thank you for your e-mail, dated 19th December 2014, inviting comments from GB Railfreight Ltd. (GBRf) on this supplemental agreement proposal.

GBRf has a general comment to make on this Section 22A Supplemental and a specific point on rights shown in the Schedule 5 rights table.

With regard to Section 3.2 and the reasons why this supplemental is being presented under a Section 22A application, GBRf agrees that Network Rail has not agreed any general Level 2 access rights policy with freight operators and, in any case, ORR-approved changes would then only apply to access contracts post-December 2016. There are, currently, inconsistencies in the way Network Rail's Sale of Access Rights panel are processing requests for new and amended rights.

The following rights, to be amended in this supplemental, apply to traffic that will be transferred from Freightliner Heavy Haul to GB Railfreight from February 2015:

6E75   20:48 [EWD] Hunterston High Level – Drax Power Station (07:45).
4S33   05:27 [SX] Drax Power Station – Hunterston High Level (14:52).

The following new rights, listed in this supplemental, apply to traffic that will be transferred from Freightliner Heavy Haul to GB Railfreight from February 2015:

6E64   18:31 [FSX] Hunterston High Level – Drax Power Station (05:34).
6E74   19:11 [EWD] Hunterston High Level – Drax Power Station (05:45).

Given the recent changes by FOCs' customers, GBRf believes these four proposed rights should be removed from this application given all of the tonnage from Hunterston to Drax is GBRf's business from 1st January 2015.

Yours sincerely,

Ian Kapur.
National Access Manager.