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Gordon Herbert.  
Track Access Executive,  
Office of Rail Regulation,  
One Kemble Street,  
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27<sup>th</sup> January 2015

Dear Gordon,

**CONSULTATION ON THE PROPOSED 27<sup>th</sup> 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 30<sup>th</sup> December 2014, inviting comments from GB Railfreight Ltd. (GBRf) on this supplemental agreement proposal.

GB Railfreight cannot support this supplemental proposal for a number of reasons:

- a) Annex A – Additional Rights: There are nine proposed Level 1 rights, six rights of which are “Y” with other rights already transferred and now held by GB Railfreight as part of the Aggregate Industries contract transfer. For this reason, GBRf doesn’t believe it is possible for the two rights to co-exist for two operators and two different flows for two customers and these rights should therefore be removed. Discussions have already taken place between GB Railfreight, Freightliner Heavy Haul and Network Rail to this effect. Full details of GBRf’s issues are listed in the attached spreadsheet.

There are also two rights associated with on-going access disputes (ADA 21 & ADA 22) therefore GBRf doesn’t believe these rights should, currently, be part of this supplemental and be withdrawn. Additionally, there are a number of errors shown in the association of Y paths of the requested rights that need to be corrected for the sake of this and future supplementals.

- b) Annex B – Relinquished Rights: GBRf is concerned that the accompanying Annex B table (“Relinquished Rights”) has a number of errors in it. These include departure and arrival time errors (highlighted by GBRf in white) that then don’t specify the right (obviously cells not formatted correctly), also rights that appear to have the wrong destination (e.g. Colnbrook Lafarge listed instead of Thorney Mill).

GB Railfreight appreciates that, in some of the above instances, events will have overtaken the submitted rights table however not in all cases. The detail does need to be brought out and altered so that correct rights are eventually established.

Yours sincerely,

**Ian Kapur.**  
**National Access Manager.**