



11 July 2008

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Dear Brian

**Consultation on the proposed Section 17 application by Grand Northern Railway Company Limited for a long-term track access contract with Network Rail**

This letter is the response of Freightliner Group Limited ('Freightliner'), which incorporates Freightliner Limited and Freightliner Heavy Haul Limited, to the above application by Grand Northern Railway Company Limited ('the applicant'). We note that this consultation has closed and apologise for our belated contribution but trust that ORR will consider our comments since we did not receive notification as a consultee to this application.

Freightliner considers this application to be fundamentally flawed in several ways; the time afforded operators to fully consider the effect upon their own rights is insufficient given the ambiguity of the proposal and the fact that there are significant outstanding issues relative to the fulfilment of existing access rights in the December 2008 WCML timetable and beyond.

The applicant seeks to run 110mph trains (the lease for which it has not secured in what we understand to be a highly competitive market for said vehicles), from Euston to Stockport and beyond, concurrent with the introduction of Virgin Trains' VHF timetable, which operates 125 mph trains. We note that Network Rail are not content that capacity exists to fulfil this aspiration, including using the slow lines. Without detail the impact upon Freightliner Ltd's numerous level one rights for 75 mph freight trains along this line of route cannot be assessed; neither can the broader issue of understanding what the proposed services would do to freight capacity generally, the future growth of which is documented in the freight RUS.

Following the introduction of the December 2008 timetable, which represents a significant step-change in many respects, from April 2009, all Felixstowe and Tilbury container trains will be retimed in the WTT for a year's duration, to accommodate extensive works on the North London Line, with extended journey times of an hour or more. Again, particularly with this level of upheaval (which is currently still the subject of timetabling work), the proposal is insufficiently detailed for its' impact to be assessed.

In addition, Freightliner operates many services, of various commodities, over the trans-pennine route via Diggle, and in the wider areas at either end of this route, that would be sensitive to the introduction of such trains as proposed, in terms of both timetabling and reactionary performance, and we do not believe the applicant has provided sufficient information to permit

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these issues to be considered in time for the introduction of the December 2008 timetable.

The applicant's existing operations have caused serious concern on the ECML and related routes and the applicant has not demonstrated any mitigations against a repeat of such impact with this application. Particularly at a time when WCML (south) is underperforming and subject to pressure to complete infrastructure works required for the December 2008 timetable, Freightliner considers that the applicant's services pose a significant added performance risk to our businesses, even if paths were to eventually be identified.

We note that the applicant's existing access rights are not being fully utilised due to lack of resources, and are concerned about the potential for further rights similarly to be granted and then not exercised.

From the detail of Network Rail's letter to ORR dated 11 June 2008 it appears likely that aside from timetabling issues, the applicant has not engaged with NR in respect of other details of this proposed contract, which is therefore submitted under section 17, without NR's agreement.

In view of the foregoing, Freightliner Limited and Freightliner Heavy Haul Limited object to the proposals. We are content for this response to be published as necessary by ORR.

Yours sincerely

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