

Brian Hopkinson  
Track Access Executive  
Office of Rail Regulation  
1 Kemble Street  
London WC2B 4AN

24 April 2008

Dear Brian,

**CONSULTATION ON THE PROPOSED 7<sup>th</sup> SUPPLEMENTAL AGREEMENT TO  
THE TRACK ACCESS CONTRACT BETWEEN NETWORK RAIL  
INFRASTRUCTURE LIMITED AND GRAND CENTRAL RAILWAY COMPANY  
LIMITED**

Thank you for your e-mail dated 27 March 2008 inviting the comments of English Welsh & Scottish Railway Limited ('EWS') on the above matter.

EWS notes that Network Rail has not agreed to grant Grand Central the rights necessary to operate the proposed return service from Sunderland to London Kings Cross and that, therefore, the application is submitted under Section 22A of the Railways Act 1993 (as amended). EWS also notes Grand Central's indication that the necessary capacity is available and that Network Rail has refused to allocate that capacity as it does not wish to prejudice any decision from ORR regarding paths from the December 2008 Timetable. However, as there is insufficient detail on the proposed train slots with no accompanying statements from Network Rail confirming its position on which paths may be prejudiced, it is difficult for EWS to assess whether or not the operation of the additional service will have an adverse effect on EWS's business.

For EWS to ascertain whether or not its concerns can be addressed, EWS would require further detail on the proposals, for example the provision of fully timed paths, along with demonstrations and assurances that they will not adversely affect EWS's existing services, particularly from the December 2008 Timetable, and not compromise capacity required for freight growth as set out in the Freight & ECML RUSs.

Yours sincerely

***Nigel Oatway***  
***Access Manage***

<http://www.ews-railway.co.uk>