

**Bill Hammill**

Manager Track Access

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Stewart Smith  
Industry Contracts Manager  
DB Schenker Rail (UK) Limited  
c/o Westbury Down Yard Offices  
Station Approach  
Westbury  
BA13 4HP

7 July 2015

Lindsay Durham  
Freightliner Limited  
3<sup>rd</sup> Floor, The Podium  
1 Eversholt Street  
London  
NW1 2FL

Dear Stewart and Lindsay

**Appeal by DBS for access and services at Southampton Maritime Freightliner Terminal, Southampton: disclosure and further representations**

1. On 25 June 2015 Rob Plaskitt wrote to you both about our proposal to disclose Freightliner Ltd's track occupation chart. We subsequently received replies from both of you, copies attached. This letter outlines how this appeal will be taken forward.

The further representations

2. DB Schenker Rail (UK) Ltd (DBS) wrote to us on 1 July 2015 confirming that it was content with ORR's proposed approach and looking forward to receiving the additional information.
3. Freightliner's letter dated 1 July 2015 agreed that operations were viewable from the public road but argued it would be difficult to have the same understanding of the Maritime Terminal's workings without the detail provided in Appendix 5 (the track occupation chart).
4. Freightliner provided a further version of the track occupation chart showing much of the information but not all the detailed workings. Freightliner said the redacted information has a commercial value which has taken years to build up. It requested that we disclose the redacted version to DBS.

ORR's assessment

5. As set out in Rob Plaskitt's letter, ORR was minded to disclose to DBS the track occupation chart provided by Freightliner. There is a balance to be struck between what should be disclosed in the interests of fairness and transparency; and the protection of commercially sensitive information.
6. We have reviewed the redacted version provided by Freightliner. Some detail about shunting movements has been taken out. It does however still show planned track occupancy over a 36 hour period. We consider that this should be sufficient for DBS to be able to make its representations, when considered alongside the information already provided.

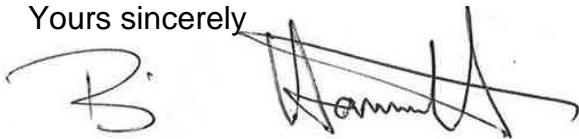
ORR's decision

7. Our decision therefore is that the redacted version provided by Freightliner should be disclosed to DBS. It is enclosed with this letter.

DBS representations

8. Further, I now invite DBS to make any representations that it may have on Freightliner's submission dated 4 February 2015 (the latest redacted version having been sent on 15 June 2015) with supporting annexes and the enclosed track occupation chart. These representations should reach me by **22 July 2015**. Please also copy in Rob Plaskitt and Gordon Herbert.
9. If there are then any outstanding issues, we will take a view as to whether we need to ask for any further information or representations from Freightliner or DBS.
10. As ever, you should indicate if you consider that any information is commercially sensitive and should not be disclosed to the other party or published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bill Hammill', written over a horizontal line.

**Bill Hammill**