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Head of Competition & Consumer Policy,  
Office of Rail Regulation,  
One Kemble Street,  
London, WC2B 4AN.

24<sup>th</sup> November 2014

Dear Annette,

**Access to Rail Freight Sites Market Study – Short Consultation on Un-Discharged Actions:**

GB Railfreight's comments on the Code of Practice and also the responses and thoughts on the annotated access plan for the Freight Market Sites Market Study are shown below.

In general, GB Railfreight believes that there has been much progress since the original freight sites market study, in 2011, however there are still some actions that must be taken forward to ensure that the control of these freight sites is not being used as a barrier to competition between freight operators, e.g. at the Port of Southampton.

Although "Mountfield 13", once fully implemented, will give benefits to FOCs looking to use those specific sites listed, there are still many freight sites around the UK, that "Mountfield 13" will not have covered. The project hasn't, yet, given many benefits but will almost certainly do so from 2015 onwards. A Lease Code of Practice is, therefore, still required.

Given the translation of the First Railway Package is being delayed, GBRf believes there is still a requirement for more clarity on lease codes and more quickly than this Package may produce. The Package won't cover all freight sites and there should be a clear, concise way forward on these lease codes as the rail freight business is fast-moving.

Code of Practice on Access to Freight Sites: Although the Code of Access to Freight Sites is in place, it's probably right that every FOC is refreshed with all the contents of the code and their obligations under it. It's especially important that all staff (including those at a working level within terminals) are briefed on this Code of Conduct and know what the rules of engagement are.

Specific points that may need highlighting, again, include why requests are refused and to remind FOCs that both parties will be expected to work constructively together to achieve a mutually acceptable outcome. This is especially the case for when a declination is made on the basis of insufficient capacity.

The other point to note is that, for a short notice ad-hoc request, a response, including details of applicable charges, is ideally required within two working days. This gives the FOC, making the request, some sort of certainty that it can plan its trains into another FOC's facility. A more consistent level of response is needed.

Action 1: *Network Rail (NR) to provide additional information on the status of each Strategic Freight Site on its website, including its connection and condition.*

Although there is a UK plan showing all the Strategic Freight Sites (SFS) and Supplementary Strategic Freight Sites (SSFS), the information provided is not comprehensive enough. Criteria that also need to be readily available to prospective customers should include:

- a) A proper plan of each site (e.g. Marlin map or similar).
- b) Details of rail connectivity and the official status of said connection. This should include numbers of sidings, length of sidings, available length OD run-round facility etc.
- c) Details of road connectivity and the limitations of what is possible bringing in road vehicles.
- d) The size of the site and site configuration.
- e) Neighbouring issues/likelihood of gaining planning consent.
- f) Any costs of facilitating rail freight.
- g) Any criteria that Network Rail may use to remove a strategic site from the list.

These items will give a prospective user a far clearer picture of the issues that any draw-down of site may bring to them and the scale of their liabilities.

Action 2: *Network Rail (NR) to review/re-publish the Freight Connections Guide on its website including:*

- a) *Information on which parties operate/own which sites (particularly where relevant to ransom strips).*

Since 2011, the work that's been carried out and the information contained on the "Freight Sites Opportunities" has been excellent. It must, however, almost have a nominated Network Rail Freight Team representative in charge and that person must ensure the site is completely up to date, at all times. Without this, it will quickly become unreliable and then lose its integrity and purpose.

In the guide, there is a proviso note of *"Please note that, whilst Network Rail endeavours to ensure that the information shown below is kept up to date, changes may have taken place since it was last amended. Users of this web site should therefore treat this as indicative and check further with Network Rail and appropriate 3rd parties before making decisions based upon the information shown herein"*. This does nothing to make this guide reliable and useable and the only way to do this is to have the site regularly updated.

Now that the "Mountfield 13" project has been implemented, there's an immediate requirement to update this information, not least so that a FOC seeking information doesn't make irrelevant enquiries or attract charges that it shouldn't.

Also, once again, a Marlin map (or similar) may be useful for prospective users to view.

- b) *Connection agreement details, including details of charges where appropriate.*

The work here has been good but, once again, the information, including those on charges, need to be kept very much up to date. There's a danger that an end-customer or FOCs' new business will be priced incorrectly if a connection charge has been incorrectly listed.

- c) *Information regarding liabilities for retaining structures, bridges etc. and Compensatable Improvements.*

This is obviously very valid and vitally important for prospective users of freight terminals and the work needs completing.

- d) *Information on the condition and capability of sites in its control - in particular "non-perishable" information (e.g. connection, siding numbers & length, road access etc).*

As mentioned in Acton 1, these pieces of information are very relevant to any new operation into a freight terminal and will give a prospective user a far clearer picture of the issues that access to a site may bring to them. In many cases, it will also dictate whether or not the limiting train length makes the new rail operation viable or not. GB Railfreight considers this information a "must have" and the sooner it's completed the better.

Action 3: *DBS and FL to consider what information can be made public about their sites, including location, length of siding, road access, and state of maintenance and so on.*

This information is, obviously, of use and is necessary for when FOCs require access to another FOCs' site. Length of sidings and road access, in particular, are real requirements. When a Method of Working (or Joint Method of Working) is required, this should already have these pieces of information contained in them.

On occasions, where groundstaff are required, a Joint Method of Working can be quite difficult to obtain but is definitely the easier and more reliable way of FOC A being able to rely on access into FOC B's facilities.

Similar information needs to be made available for all FOCs' sites in a standard format.

Action 4: *DBS to work up a proposal for sub-lease terms.*

GBRf has not seen any update on this but would be interested in seeing proposals from DB Schenker on this.

Yours sincerely,

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