

## **Public Bill Committee Call for Evidence – Railways Bill**

Submission for DP World

16 January 2026

### **1. Introduction**

- 1.1 DP World welcomes the opportunity to provide evidence to the Public Bill Committee as it scrutinises the Railways Bill 2025.
- 1.2 DP World is a leading global port operator and provider of end-to-end supply chain logistics. We operate in over 100 countries and handle more than 11% percent of global containerised trade through our network.
- 1.3 In the UK we play a key role in growing and decarbonising the economy by helping businesses move their goods efficiently across domestic and international supply chains. This is delivered through our network of companies, including DP World, DP World Logistics, DP World Multimodal Solutions, Community Network Services (CNS), Edge Worldwide Logistics, and DP World Shipping Solutions.
- 1.4 We have invested over £6.5 billion in the UK, including in our international container port terminals at DP World London Gateway and DP World Southampton. We have a strategy to offer our customers lower carbon choices for their supply chains, and we are actively looking to encourage freight on rail to and from our two flagship deep-water container ports DP World Southampton, DP World London Gateway and our logistics park.
- 1.5 Both our ports are connected to the UK rail network, and in 2024 over 463,500 containers travelled to and from our ports by rail. Over the last 12 months, rail departures from our London Gateway port alone have increased from 12 to 22 per day, with investment in our second terminal to accommodate future growth at the port.
- 1.6 The Government's target of at least a 75% increase in rail freight by 2050, and Network Rail's 7.5% growth target by 2029, are ambitious and necessary. Achieving these targets will require a regulatory and operational framework that actively supports freight growth.
- 1.7 Working in partnership with the Government and our supply chain partners is critical to achieving the Government's 75% target. We therefore welcome the opportunity to submit evidence to the Public Bill Committee as they commence scrutiny of the Railways Bill, as rail freight is vital to the UK economy, both as a driver of growth and decarbonisation.

### **2. The Railways Bill: summary**

- DP World welcomes the Government's Railways Bill, the establishment of Great British Railways (GBR), and the inclusion of a statutory rail freight growth target. We believe the Bill presents a unique opportunity to create a modern, integrated rail system that delivers for both passengers and freight, supporting the UK's economic and environmental goals.
- The current regulatory framework, established under the Railways Act 1993 and strengthened by the 2016 Regulations, provides the essential foundation for a competitive

and dynamic rail sector by ensuring neutral access to the network based on objective criteria. This regime has been instrumental in promoting healthy competition and encouraging private sector investment, while the Office of Rail and Road's (ORR) independent oversight maintains the integrity and fairness of the system, creating the certainty and transparency that freight operators require to invest confidently in the UK's rail infrastructure and services.

- DP World welcomes **Clause 17**, the inclusion of a statutory rail freight growth target, as a positive signal of intent. We support the requirement of the Secretary of State to set and publish a target to increase the use of the railway for the carriage of goods.
- Likewise, clause **18(2)(b)**, which sets a general duty on the Secretary of State and GBR to act 'in the manner best calculated to promote the use of the railway for the carriage of goods, is welcomed. These duties are essential for giving businesses like ours the confidence to invest in rail freight infrastructure and support the development of new services.
- Finally, DPW was encouraged by the Bill's provisions that enable GBR to offer discounts on track access charges (**Clause 64(3)**), which can incentivise modal shift. DP World is already piloting incentive schemes to increase the proportion of containers moved by rail, and these measures will further support innovation and decarbonisation.
- However, we are concerned that the Bill, in its current form, risks freight losing priority through an overriding duty for GBR to prioritise its passenger services and unclear capacity allocation; devolution arrangements that may favour regional passenger services over national freight objectives; restrictive appeals process with limited independent oversight; and excessively broad Secretary of State intervention powers. This regulatory ambiguity, and the potential for government intervention in private freight terminals, undermine the confidence needed to incentivise private sector investment.
- As the Committee starts its scrutiny, we welcome the opportunity to highlight how we believe that the Bill must be amended to ensure that rail reform creates a stable, transparent, and predictable regulatory environment for the freight sector.
- Where we refer to a specific clause number, this relates to the relevant clause within the Railways Bill.

## **2.1 Proposed amendments to Railways Bill**

As the Public Bill Committee scrutinises the Railways Bill, it is vital to recognise that multiple freight sector stakeholders are aligned on the fundamental issues that require urgent attention. The concerns we lay out here are intended to reinforce and add to the important points made by the Rail Freight Group (RFG) in their response, particularly regarding network access rights, regulatory oversight, and the need for robust, independent appeal mechanisms for freight operators. Our response addresses the themes of the Secretary of State's duty to consider freight,

network access, regulatory oversight and enforcement, and devolution. We have submitted evidence on these points to the Transport Select Committee as it weighs evidence for its inquiry into the impact that the reforms will have on the rail sector, and on the passenger experience.

**Duties regarding freight growth (clauses 17 and 18):**

- Clause 17 is a welcome step in establishing a statutory target for rail freight growth. However, the “have regard to” requirement must be strengthened to ensure the freight target cannot be acknowledged in principle but ignored in practice. We think this can be achieved by amending 17(4) to treat the achievement of the target as a primary and binding consideration when the Secretary of State or Great British Railways take decisions allocating railway network capacity or the preparation of railway timetables.
- DP World is concerned that clause **18**, which sets a general duty on the Secretary of State and GBR to act ‘in the manner best calculated to promote the use of the railway for the carriage of goods’ could be undermined or overridden by the Capacity Duty (**Clause 63**), which requires GBR to reserve capacity for its own passenger services. Deleting 18(4) would overcome this issue.
- To support transparency and accountability it is essential that GBR is required to publish annual freight performance data against the statutory target, accompanied by clear explanations for any shortfalls. The Bill should require Great British Railways to report annually how the exercise of the functions during that year has supported the growth of rail freight and include an assessment of how working timetable decisions have taken account of the rail freight target set under clause 17. Such a reporting obligation would provide the industry and investors with the necessary visibility to assess progress, hold GBR to account, and drive continuous improvement in freight service delivery.

**Network Access (clauses 61-63):**

- The Bill must guarantee that freight operators can secure access to the network in a fair, consistent, and timely manner. This is essential for maintaining a level playing field and supporting private sector investment.
- GBR should have a clear, enforceable duty to plan and allocate capacity for current and future freight growth, with transparent processes for path allocation and dispute resolution.
- The Access and Use Policy should have clear provisions to ensure that freight interests are protected and promoted, including giving the freight sector a statutory consultative role as the policy is drafted.
- Clauses 61–63 as written present a fundamental concern for the rail freight sector, as it requires GBR to prioritise network capacity for its own passenger services over any other operations.

### **Proposed amendments to clauses 61-63**

- Clause 61 needs to be amended so there is a statutory requirement that GBR must secure the allocation of a minimum level of railway capacity for the carriage of goods that is directly aligned with, or baselined against, the Rail Freight Growth Target established under Clause 17. This needs to be assessed on a network-wide basis, recognising that rail freight services may operate across multiple routes and are not confined to particular sections of the railway network. Great British Railways must ensure that the working timetable both protects existing freight capacity, and makes reasonable provision for the introduction of new freight services and new freight destinations wherever they emerge in the future.
- We recommend that GBR should be required to publish clear, measurable criteria for all timetable decisions, including a transparent explanation of how freight growth objectives are considered and valued during future pathing conflicts between GBR and private operators. We think this can be achieved with new provisions requiring Great British Railways to publish a statement setting out the criteria it will apply in preparing the working timetable. This statement should include how objectives relating to the growth of rail freight, including the target set under section 17, are considered when conflicts arise between competing applications for network capacity. This transparency is critical for maintaining a level playing field and providing the certainty that private sector investors require.
- DP World recommends that the Bill should require ORR to review GBR's capacity plan and timetable drafts within clear timeframes before publication, to ensure sufficient capacity for the transport of goods. This independent oversight, akin to the current Periodic Review process, would provide an essential check and balance, safeguarding against the risk of freight being deprioritised

### **Clause 64- Charging Scheme**

- DP World welcomes Clause 64.4, which allows for lower charges in certain circumstances, but appreciates that Government requires flexibility to cover new and emerging conditions. For example, the charging scheme could provide lower charges for investment in higher speed freight services where Great British Railways is satisfied that additional network capacity could be delivered at no cost to GBR, DfT or the taxpayer or considers that such services improve network performance or reliability. Similarly, the current Traction Electricity Charge (EC4T tariff) and charging regime, has been a significant issue for freight operating companies in recent years.

### **Clause 68- Appeals Procedure**

- The current draft of Clause 68 in the Bill does not provide for a dedicated freight watchdog

or robust, independent appeal rights for freight operators. DP World strongly agrees with the RFG that Clause 68 is a significant concern: effective performance regimes and appeals are vital for ensuring fair treatment and accountability.

- DP World is concerned that Clause 68(1A) sets the bar too high for appeals, stating that the Office of Rail and Road (ORR) must apply the same principles as would be applied “by the High Court on an application for judicial review”. This could increase industry costs and regulatory burdens, while reducing the ability for new market entrants to gain access to the network hindering investment and growth. Clause 68(1) should be deleted and instead, the ORR should be required to determine an appeal on its merits having regard to the statutory duties of GBR, the efficient and economic use of the railways and the need to promote fair competition. As drafted, the Bill is likely to introduce an ineffective and unduly complex appeals process which will result in significant delays. This is particularly problematic in the time-sensitive freight industry. The ORR should also have meaningful compliance authority by amending clauses 68(4) and 68(5) to maintain existing ORR enforcement powers: currently it can only quash a GBR decision if there has been an error of law.
- DP World recommends the introduction of a statutory cap (or waiver) on appeal fees for small operators and new entrants to encourage competition. Small Freight Operating Companies (FOCs) may not have the financial backing to pursue appeals against GBR decisions. The current framework risks creating significant barriers to access to justice, as the high costs of appealing could effectively exclude smaller market participants from challenging potentially unfair or discriminatory treatment. The regulations must include provision for a cap on fees or partial fee waivers for small operators and new market entrants and require appeals to be determined within such time limits as are appropriate to the nature of the decision.
- DP World recommends creating a statutory Freight Users’ Council, mirroring the Passengers’ Council, to investigate issues, obtain information, set and monitor freight service/performance standards, and require GBR to consult it on policies that significantly affect freight users. This will ensure that freight operators have recourse to a fair and transparent process.

### **Clause 71- Access Rights**

- Clause 71 grants the Secretary of State the power to amend or terminate existing track access agreements for up to 15 years post-commencement. This provision creates significant investment uncertainty and represents a step backwards compared to the 1993 Railways Act, particularly for rail freight rolling stock investment. This provision in the Bill has given DP World significant cause for concern: if the Secretary of State's powers are perceived to undermine the expectation of stable and predictable access arrangements, it risks damaging investor confidence.

- DP World recommends that regulations under this section may not provide for the amendment or termination of an access agreement or access right unless the Office of Rail and Road has given its approval, following consideration of a published impact assessment.
- Without these safeguards, DP World recommends a statutory compensation framework should be introduced for affected operators, protecting investments in rolling stock and terminals and maintaining investor confidence that are essential to achieve the growth targets.

### **Clause 72- Non-GBR infrastructure, facilities and services**

- Clause 72 enables the Secretary of State to regulate non-GBR infrastructure, including private freight terminals. DP World urges the Government to strongly consider the unintended consequences of this clause on the freight sector, including market distortion, disincentivising private sector investment, and additional burdensome regulation. Our strong preference would be to see private sector freight infrastructure and service facilities excluded from the scope of Clause 72
- However, if this is not possible, DP World recommends that any new regulations affecting private terminals should be developed in close partnership with the freight industry. The Bill should oblige that consultations under clause 72 (5) must include the ORR and persons who own or operate infrastructure, facilities or services likely to be affected by the regulations before the Secretary of State makes any decision.
- DP World recommends any regulatory intervention should be required to pass a strict proportionality and necessity test, to prevent arbitrary or excessive regulation that could undermine the sector's ability to deliver for UK trade and decarbonisation. The Secretary of State should be required to be satisfied that the provision is necessary to address a clearly identified market failure or operational deficiency before making regulations. Similarly, the Bill should require that the provision is proportionate to the impact on private investment and the efficient operation of rail freight services
- DP World recommends improvements could be made to avoid anti-competitive outcomes or vertical integration risks, protecting the competitive landscape and preventing market distortion. For example, there should be a requirement to have regard to the need to prevent distortion of competition in the market for rail freight services or facilities or the risk of anti-competitive outcomes arising from vertical integration or preferential access.
- DP World recommends the ORR appeals process should be explicitly retained as it currently is for any decisions under Clause 72, ensuring that owners and operators of non-GBR infrastructure have recourse to independent review by the ORR. All decisions made under Clause 72 should be subject to appeal to the ORR, using the existing statutory procedures, powers and standards.

### **Devolution**



- Rail freight is inherently national in scope, serving ports, distribution hubs, and supply chains that span multiple regions. The sector's ability to deliver for the UK economy depends on seamless, end-to-end flows that are not constrained by administrative boundaries. While devolution strengthens local accountability for passenger services, it introduces a significant risk of fragmented decision-making for freight paths.
- Rail-based logistics and inland Strategic Rail Freight Interchanges are typically complex, often underpinned by national policy but delivered at a local level. As these are not a common form of development, some authorities may not have significant in-house experience of their operation, delivery, or requirements. It is not reasonable to expect that the existing level of rail freight knowledge in devolved authorities is any more than foundational, which could lead to sub-optimal capacity allocation decisions being made with national implications.
- Local devolved authorities or sub-national transport bodies such as Transport for the North, may prioritise regional passenger needs without considering the end-to-end nature of freight flows. This can create bottlenecks at jurisdictional boundaries and undermine strategic corridors such as London Gateway – Midlands – Northwest. This fragmentation could compromise national economic resilience, increase costs for operators, and hinder modal shift from road to rail, contrary to decarbonisation targets.
- Clause 23, which sets the framework for memorandums of understanding between the Secretary of State and devolved administrations, is particularly relevant in this context.
- To mitigate this risk and ensure devolution and local consultations give due consideration to freight, DP World recommends the Bill should embed a statutory safeguard requiring a memorandum of understanding. This would include provisions ensuring that GBR, the Secretary of State and ministers of devolved administrations, must balance local and devolved priorities relating to railway services and infrastructure with national objectives for the carriage of goods by rail.
- This could also be applied towards Clause 5, which ensures cooperation with local authorities, and the safeguard would clarify that this cooperation must not come at the expense of national freight flows.
- It is essential that devolution arrangements do not inadvertently compromise the strategic nature of rail freight operations, and that local transport authorities have access to appropriate expertise when making decisions that affect freight capacity and operations.

### **3. Conclusion**

- DP World welcomes the Government's Railways Bill and its ambition to create a unified, modern rail system that delivers for both passengers and freight. To realise the full economic and environmental benefits of rail freight, the Bill must provide a fair,

investable, and future-proof framework—one that guarantees open access, regulatory certainty, and a level playing field for all operators.

- We ask the Committee to consider the Bill’s provisions for network access, regulatory oversight, and devolution, to ensure that they are robust, balanced, and developed in close consultation with the freight sector. By doing so, the Railways Bill can unlock the full potential of rail freight to drive UK growth, decarbonisation, and global competitiveness.
- DP World stands ready to invest in rail to support the Government, GBR, and industry partners to deliver a rail system that works for all.