

IN THE MATTER OF PART D OF THE NETWORK CODE

AND IN THE MATTER OF THE ACCESS DISPUTE RESOLUTION RULES

AND IN THE MATTER OF TIMETABLING DISPUTES: TTP: 1064; 1065; 1066; 1069; 1070; 1071; 1073

BETWEEN:

**(1) ABELLIO SCOTRAIL LIMITED ("ASR")
(2) DB CARGO (UK) LIMITED ("DBC")
(3) FIRST GREATER WESTERN LIMITED ("GWR")
(4) XC TRAINS LIMITED ("XCT")
(5) GB RAILFREIGHT LIMITED ("GBRf")
(6) EAST COAST MAIN LINE COMPANY LIMITED ("VTEC")**

Claimants

v

NETWORK RAIL INFRASTRUCTURE LIMITED ("NR")

Defendant

**APPENDIX NR5 TO NR'S RESPONSE TO
THE 3rd GBRf SRD**

Introduction

1. This appendix gives the detail of NR's consultation with GBRf and other Network Participants over the issue GBRf introduces at paragraphs 5.5 and 5.6, the proposal of an amendment to the station working at Leamington Spa and other locations on the line to Coventry.
2. The material dates and actions of the chronology of this proposal are:

PRE D64

3. On 12th October 2015 NR held the LNW South TPR Forum at Westwood. NR presented the Indicative SRTs for Class 150 and Class 172 produced by Tracsis along with junction margins for Kenilworth and showed proposed revisions and some additions to junction margins for Leamington Spa. No minutes of this meeting are recorded but GBRf were in attendance.
4. On 15 October 2015 the ORR issued its appeal determination in respect of TTP807-808 which found 'that there is no explicit link in the Network Code between Part D and Part G which requires that a TPR (Timetable Planning Rules) change related solely to a Network Change should not be implemented if the associated Network Change has not been established and implemented.'

5. In October 2015 a series of e-mail exchanges took place between London Midland, XCTL, GBRf and NR. London Midland and XCTL made and adapted counter-proposals to SRTs and junction margins.
6. On 27 November 2015 London Midland issued a TPR proposal for Leamington Spa/Kenilworth which consolidated all the replies received. London Midland included GBRf and XCTL as recipients to this email.
7. On 19 December 2015 the NW South TPR Forum was held at Westwood. GBRf and other operators attended. NR advised that the TPRs calculated by Tracsis (and discussed at October's Forum) would be reviewed internally by Capability Analysis, so any proposals would not be ready for version 2 of 2017 Rules. All operators present at the meeting (including GBRf) requested sight of the revised signalling plan. Item 6 of the minutes notes: *'it is also believed a crossover is to be installed near LN52 signal which isn't on the current diagram...The representatives all wished to know whether the relevant Network Change processes have been approved and granted...'*

D-64 (16/09/16) to D-60 (14/10/16) NR shall consult with timetable participants in respect of any proposed changes to the rules

8. On 16 September 2016 NR published Version 0 (the consultation document). This included new entries for Milverton Jn, Kenilworth Loop, Gibbet Hill Jn. This took information previously shown under MD405 at Leamington Spa and allocated it to the relevant planning locations.
9. London Midland responded to version 0 with suggested changes to the Kenilworth Loop junction/reoccupation margins.
10. GBRf did not respond to version 0. Had they expressed the concerns they now appear to hold, NR would have been able to consider them as part of the consultative process.

D-59 (21/10/16) NR shall provide to all timetable participants a draft of the revised rules

11. NR published Version 1 of the TPRs on 21 October 2016.
12. The proposal for MD401 - Leamington Spa junction margins – was revised in version 1 and published to match the agreement reached at October and December 2015 TPR Forums.
13. The proposal for MD405 – Kenilworth Loop margins - was reworded and some of the values proposed in version 0 were changed. The changes removed specific reference to freight and the restriction regarding not crossing passenger trains. Wording was changed to make the rules clearer and a combination of values from the TRACSIS report and London Midland's feedback on version 0 incorporated into these revised proposals.

14. No Network Change had been proposed at this stage but the aim within NR and from London Midland was that the operation of the shuttle service was going ahead. It was appropriate and necessary for NR to propose Rules to enable the validation of the new service in the anticipation it would start in December 2017.

D-59 to D-54 (25/11/16) NR shall consult with timetable participants; timetable participants may make representations in respect of any changes they propose or objections they may have to the draft rules

15. On 25 November 2016 GBRf responded to version 1 with the following comments:
- 15.1 *'MD401 Leamington Spa station working: "should they be unable to reverse in Platform 4" must be removed as reversal in platform 4 is not possible in these circumstances.'*
- 15.2 *MD405 whole line of route – changes not agreed in the absence of any evidence of how these margins were calculated.'*
16. On 6 December 2016 the LNW South Forum met. The minutes note that the SRT proposals for the Kenilworth shuttle had been shared with operators with the minutes of the October Forum but that no responses had been received.

D-54 to D-44 (25/11/2016 to 03/02/2017) NR shall consider representations and objections

17. On 30 December 2016 Network Rail responded to GBRf's version 1 comment and attached a document titled 'Kenilworth shuttle TPR proposals' which showed the indicative junction margins and SRTs. NR understands that this information had previously been shared and discussed amongst the operators in October/December 2015 Forums. NR's response noted:

'MD401 Heyford to Bordesley Jn

Leamington Spa

The rule at Leamington Spa regarding reversals in platform 4 for trains from Warwick direction travelling towards Kenilworth is based on the revised infrastructure proposed including Foundry Wood Jn. We are liaising with the project team to understand whether this infrastructure will be delivered for the December 2017 timetable when these rules will become operative. If the revised infrastructure is not going to be delivered in time for December 2017, version 2 of the Rules will be amended accordingly.

MD405 Leamington Spa Jn to Coventry South Jn

The reoccupation of single line margins at Milverton Jn and Gibbet Hill Jn have not changed. They were previously shown under the now deleted entry for Leamington Spa and are now presented in a tabular format which should enhance readability.

The margins for Kenilworth Loop were derived from Railsys modelling done by the project (details attached).'

18. NR published Version 2 of the TPRs on 3 February 2017. NR altered the wording of the Rules at Milverton Jn and Gibbet Hill Jn. This was to make it clear that the margin of 4 (in both cases) applied where both trains were passing the respective location. London Midland had suggested that for a train from a stand (i.e standing start), a 4 minute margin was not appropriate. Therefore version 2 proposed a 2 minute margin where the first movement is passing and second movement is from a standing start. This was based on reference to the scheme plan, position of signals and overlaps.

Post D-44 (after 3/02/2017) NR shall issue the final revised rules (v2)

19. On 17 February 2017 NR train planning received the final confirmed scheme plan for Kenilworth Loop and associated changes. NR provided confirmation from the NR project sponsor, Simon Clifford that the Tracsis modelling had been undertaken on the infrastructure shown on the plan.
20. On 23rd February 2017 GBRf formally responded as follows to version 2 of the 2018 Rules:

'MD401 Leamington Spa station working: "should they be unable to reverse in Platform 4" must be removed as reversal in platform 4 is not possible in these circumstances. (2018 v1.0 comment)

As no Network Change is in place, it is inappropriate to implement TPRs pertaining to infrastructure that does not exist and has not been through the formal procedure to permit its installation. Please ensure this is removed. (2018 v2.0)

MD405 whole line of route – changes not agreed in the absence of any evidence of how these margins were calculated. (2018 v1.0 comment)

*This whole line of route has been re-written with margins that are significantly different to the long-standing ones that applied until recently. The **entire** entry for MD405 from 2016 version 1.0 is reproduced below. While it has been agreed that the margins at Leamington Spa should be shown under the MD401 entry, at no point has it been agreed that the margins at Milverton Jn, Kenilworth or Gibbet Hill Jn should be changed. The further changes shown in Version 2.0 are not agreed. Please note that the previous documentation provided from Tracsis is not adequate as it does not define its timing points, does not*

indicate which system was used in modelling and does not show the full details of the train characteristics being modelled. (2018 v2.0)'