

1 DETAILS OF PARTIES

1.1 The names and addresses of the parties to the reference are as follows:-

- (a) Freightliner Group Ltd whose Registered Office is at The Podium, 1 Eversholt Street, London, NW1 2FL, representing Freightliner Limited and Freightliner Heavy Haul Limited ("Freightliner") ("the Claimant"); and
- (b) Network Rail Infrastructure Limited whose Registered Office is at 2nd Floor, 1 Eversholt Street, London NW1 2DN ("Network Rail") ("the Defendant").

1.2 Third parties: all other Access Beneficiaries.

2 THE CLAIMANT'S' RIGHT TO BRING THIS REFERENCE

2.1 This matter is referred to a Timetabling Panel ("the Panel") for determination in accordance with Condition D2.2.8(a) of the Network Code.

3 CONTENTS OF REFERENCE

This Sole Reference includes:-

- (a) The subject matter of the dispute in Section 4;
- (b) A detailed explanation of the issues in dispute in Section 5;
- (c) In Section 6, the decisions sought from the Panel in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (d) Appendices and other supporting material.

4 SUBJECT MATTER OF DISPUTE

4.1 This is a dispute regarding the Timetable Planning Rules proposals in Sussex

4.2 Specifically this includes the platform reoccupation margins at Victoria and Brighton, the headway values between Clapham Junction and Balham, at South Croydon and at Redhill, and a planning note at Brighton.

- 4.2 This dispute arises over Network Rail's implementation of Timetable Planning Rules under Condition D2 of the Network Code.

5 EXPLANATION OF EACH ISSUE IN DISPUTE AND THE CLAIMANT'S ARGUMENTS TO SUPPORT ITS CASE

- 5.1 A considerable amount of change has been proposed to Sussex TPRs from the 2016 rules version 1.0 and then at each version since. This largely follows on from a Signal Performance Assessment (SPA) report produced by Network Rail (attached as Appendix A).
- 5.2 The SPA report highlighted a number of apparent deficiencies in the TPRs. The SPA report however has a considerable number of deficiencies and the interpretation of some of the output has led, in Freightliner's opinion, to TPR change proposals that are incorrect, misguided or unnecessary, or combinations of all three.
- 5.3 For example, the report states that "as the signalling diagrams available on eB NRG website are not scaled (except for Victoria Central), the VISION layout plan has been updated based on 5 mile diagrams". 5-mile line diagrams are however not controlled documents and are known to have their own deficiencies and inaccuracies. The report also states "as the aspect sequence charts for Control areas Victoria and Three Bridges are not available (except for Victoria Central), therefore normal aspect sequence has been considered for calculating margins." It seems strange to us that considerable time and expense would have been afforded to modelling based on assumptions rather than an accurate picture and this somewhat invalidates the findings as they cannot necessarily be trusted.
- 5.4 In the headway charts, the train's route has not been specified in sufficient detail – i.e. the routeing is simplified as "Down Fast" without indicating platform and routeing options where there are multiples available (such as at East Croydon). In the junction margins, technical values are given for "Y" and "G" without explanation of what these terms actually mean; as such no meaningful conclusions can be drawn from the report. Again, where there are multiple routes, the actual route modelled has not been specified; this is important as the point of conflict is therefore unclear and again the results cannot necessarily be trusted. In some cases, the technical margins (whatever that might actually be) considerably exceed the planning value indicated (not all of which are correct).
- 5.5 In the cases of the platform reoccupations and headways (except Clapham to Balham), Network Rail has made proposals based on the SPA information without consideration of the impact on the Working Timetable and the potential effect on capacity this implies. While recognising that there may well be areas where the TPRs are deficient, Freightliner believes

that a trade-off between capacity and performance needs to be made before TPR change is proposed, as TPR change is not the only way of fixing a perceived performance issue – it could well be that an infrastructure intervention is the only reasonable way forward. Without an adequate study of the effects of implementing change, such a trade-off cannot be made and therefore we believe it unreasonable for significant change such as these to be proposed.

- 5.6 While a considerable number of the original proposals have been withdrawn, we are still left with an increase in the margins for platform reoccupation at Victoria and Brighton of 4 minutes (with some exceptions, some of which are open to interpretation due to their wording), which has yet to be adequately justified. Although Freightliner does not operate at either station, the margins are still important as they are an integral part of the structure of any timetable for the route as a whole, and should increased margins not in fact be necessary, this may well unnecessarily constrain other parts of the route. Given the level of change due for the next few years on the Brighton Main line, we do not find this a satisfactory position to be in.
- 5.7 A recast of the off-peak fast line services was completed in December 2015, and some work was undertaken by Network Rail to provide an hourly freight path between Clapham Junction and Hayward's Heath. However this quantum of space is not adequate for the needs of the freight industry going forward (as Network Rail has been told on many occasions) and in some instances has already been compromised by the need of the incumbent passenger operator.
- 5.8 In respect of headways between Clapham Junction and Balham, increases in the planning headway have been imposed in circumstances where freight trains are being followed. This involved an increase from 2 minutes to 4½ minutes. While Network Rail has adequately demonstrated that 2 minutes is unachievable, the revised proposal does not take into account the varied performance of freight trains on this section (due to length, weight and the steep gradient south from Clapham Junction). As the run time for a freight train between Clapham Junction and Balham ranges from 3½ to 7 minutes, it is not really possible to determine a headway with a single value. Freightliner has suggested that an additional timing point on the Slow lines is introduced at Wandsworth Common, which would enable proper separation based on the relative position of successive trains (the first train in a sequence has to have arrived at, or passed, Wandsworth Common for a green aspect to be seen at Clapham Junction). This is under consideration by Network Rail, but has not been taken forward at the time of writing.
- 5.9 In respect of the headway values at South Croydon and Redhill, values have been imposed that make no logical sense. At South Croydon the new rule is that there should be a 3½-minute separation between a train passing on the Down Slow and another passing or departing the Down Slow. However, after 3½ minutes, the first train would have already arrived at Purley

and the signals at South Croydon would long since have reverted to green (South Croydon to Purley is 5 signalling sections). This appears to have been derived from the 5th entry on page 49 of the SPA report, which appears to be erroneous for the reason previously outlined. At Redhill, an increased margin of 2½ minutes has been proposed where the first train passes on the Up Redhill and the second departs platform 1 or 2 in the Up direction. The derivation of this margin is unclear and has never been explained.

- 5.10 A new planning note has been added at Brighton, to the extent that “where possible a departure from Platform 7 towards London Road (Brighton) should not be planned simultaneously with an arrival into Platform 8 from London Road (Brighton). This is because the route setting out of Platform 7 will default to the second set of crossovers at the north end of the platform which prevents a route being set into Platform 8.” Freightliner believes this to be unnecessarily restrictive and a potential waste of capacity if the TPRs are designed to be for the convenience of signallers rather than making best use of the network.

6 DECISION SOUGHT FROM THE PANEL

The Claimant should be requesting that the Panel determine:

- 6.1 The disputed parts of the Sussex TPRs are unreasonable and should be removed from the next available issue of the TPRs;
- 6.2 Network Rail should not propose significant change to TPRs without first investigating the likely impact on the operation of the network or capacity in general; and
- 6.3 Network Rail should strike a balance between performance and capacity, and that TPR change should not automatically be the first priority if deficiencies are identified, particularly if the details are considered by Access Beneficiaries to be uncertain.

7 APPENDICES

The Claimant confirms that it has complied with Access Dispute Resolution Rule H21.

Appendix A: SPA report

Appendix B: Sussex TPRs 2016 version 4.0

8 SIGNATURE

For and on behalf of Freightliner Limited and Freightliner Heavy
Haul Limited

Signed

J. K. Bird-----
Print Name

Track Access Manager
Position