

Network Rail Limited Defence Submission

TTP2722 and TTP2725

1 DETAILS OF PARTIES

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

- a) GB Railfreight Limited whose registered office is 3rd Floor 55 Old Broad Street London EC2M 1RX (“GBRf”) or (“Claimant”) and
- b) Network Rail Infrastructure Limited whose Registered Office is at Waterloo, General Office, London, SE1 8SW (“Network Rail”) or (“the Defendant”).

1.2 Third parties to this dispute may include GTR, EMR (East Mids), GWR, Chilterns, Scot Rai, Caledonia Sleeper, LNER, Lumo, Hull Trains, Grand Centra, Arriva Rail London Ltd, DB Cargo (UK) Ltd, Direct Rail Services Ltd, First Trenitalia West Coast Rail Ltd, Freightliner Group Ltd, Northern Trains Ltd, TransPennine Trains Ltd, West Midlands Trains Ltd, XC Trains Ltd.

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This Response to the Claimant’s Sole Reference includes:

- a) Confirmation, or qualification, that the subject matter of the dispute is as set out by the Claimant in its Sole Reference, in the form of a summary schedule cross-referenced to the issues raised by the Claimant in the Sole Reference, identifying which the Defendant agrees with and which it disagrees with.
- b) A detailed explanation of the Defendant’s arguments in support of its position on those issues where it disagrees with the Claimant’s Sole Reference, including references to documents or contractual provisions not dealt with in the Claimant’s Sole Reference.
- c) Any further related issues not raised by the Claimant but which the Defendant considers fail to be determined as part of the dispute;
- d) The decisions of principle sought from the Chair in respect of
- e) legal entitlement, and
- f) remedies.
- g) Appendices and other supporting material.

3 SUBJECT MATTER OF DISPUTE

- 3.1.1 Network Rail agrees with GBRf that the 9-day Restriction of Use (RoU) on the West Coast Main Line (WCML) between Gretna Junction and Carstairs South Junction (P2026/4080618) from 11 to 20 April 2026 as published in the EAS and CPPP Weeks 01–04 is a subject matter of dispute.
- 3.1.2 Network Rail believes A late notice RoU comprising a 9-day blockade of the WCML between Preston and Lancaster from 11 to 20 April 2026 is a subject matter of dispute. However, Network Rail believe the Possession reference number should be P2026/4246624 Week 02 and P2026/4246625 Week 03 which replaced P2026/4251331.
- 3.1.3 Network Rail believes that three WCML RoU's between Camden Junction and Milton Keynes, including over the Easter 2026 period are also a subject matter of dispute. However, Network Rail believe the Possession reference number should be P2025/4084542, 4043106 and 4043086 (Vice P2026/4084542, 4043106 and 4043086).
- 3.1.4 It is Network Rails position that the RoU's have been established following, the consultation processes outlined within, the Conditions set out in Network Code Parts D 2.2, D3.4 and/or D3.5, and that the decisions were made in accordance with the decision criteria set out under Condition D 4.6.
- 3.1.5 It is also Network Rails position that Condition 2.5.1 does not place any obligation on Network Rail to provide any level of detail and analysis required, including appropriate Timetable or Capacity Studies.
- 3.1.6 It is Network Rails position that it is working with GBRf to fulfil the requirements of the Engineering Access Statement (EAS) Section 6, relating the Access Impact Matrix (AIM).
- 3.1.7 Network Rail does not dispute GBRf's right to bring this dispute in accordance with Condition 5 of the Network Code insofar as the Network Code and ADRR are applicable.

4 EXPLANATION FROM THE DEFENDANT'S PERSPECTIVE OF EACH ISSUE IN DISPUTE

4.1 Issues where the Defendant accepts the Claimant's Case.

- 4.1.1 Network Rail in response to GBRf SRD 4.1, 4.9, 4.14 Network Rail agrees with claimant's statement.

4.2 Issues where the Defendant qualifies or refutes the Claimant's Case.

- 4.2.1 Network Rail acknowledges GBRf Para 2.3.a and that the RoU in relation to 3.1.1 (P2026/4251331) was not consulted in line with D 2.2 of Network Code. However, Network Rail maintains they followed the consultation process outlined in Network Code D3.
- 4.2.2 Network Rail accepts GBRf's claim in their Para 4.2 that the meeting on 28/04/2025 took place; however, it disputes that there was any discussion regarding a detailed Timetable Study at that time. Network Rail asserts that no new Restriction of Use was drafted and ready for consultation - either informally or formally - therefore no meaningful discussion around timetable studies would have been a topic at this stage with the operators. The GBRf representative welcomed further discussions and highlighted gauge clearance issues with the ECML. (see Appendix 1.3a and b).

- 4.2.3 Network Rail disputes GBRf's assertion in their Para 4.3 that options for delivery were discussed during this meeting. Only one proposal was discussed which was a series of weekend RoU's, comprising a mix of 29-hour and 54-hour possessions. During the discussion, a representative of the Train Operators suggested exploring an alternative approach involving a continuous 9-day possession, with the aim of reducing the number of disruptive weekends. At this stage, these discussions were exploratory, intended to gather feedback and opinions and work towards an industry position that supports the needs of all stakeholders. Network Rail interpreted the requirement for a Timetable Study by GBRf, as an observation rather than forming part of any agreed plan. No Timetable Study was commissioned, and no RoU's had been prepared for consultation at this point. (see Appendix 1.4).
- 4.2.4 Network Rail acknowledges GBRf's Para 4.4 however, this was a follow-up to a call on 12/06/2025, during which an update on the recovery plan was provided. During the call on the 10/07/2025 Network Rail confirmed it was actively pursuing the 9-day blockade originally suggested by an operator representative on 29/05/2025, Network Rail interpreted the requirement for a Timetable Study by GBRf, as an observation rather than forming part of any agreed plan. No Timetable Study was commissioned, and no RoU's had been prepared for consultation at this point. (see GBRf Appendix 4.8).
- 4.2.5 In response to GBRf's SRD Para 4.5 Network Rail wishes to clarify that the 'Access Requests' (RoU's) represented the discussions and proposal issued on the 10/07/2025 not the 29/05/2025. Furthermore, Network Rail wishes to clarify that the consultation was issued 31/07/2025 - via EAP Ref LNWN26-0005 Response dated Friday 15/08/2025 (see Appendix 1.5). This was re-issued on the 04/08/2025 (see Appendix 1.6) after a minor admin error has been raised, the same response date was maintained. Network Rail accepts that GBRf responded on the 11/08/2025 advising the access needed to be supported by a Timetable Study.
- 4.2.6 Network Rail acknowledges GBRf's Para 4.6 that it published its decision on 26/09/2025 (see Appendix 1.7). However, Network Rail asserts that no agreement was in place to produce a Timetable Study at the time of publishing the decision. GBRf did not request a completion date for a Timetable Study, nor did Network Rail agree on the scope or severity of such a study. Network Rail also disputes the need for "decision criteria" to accompany final decisions, which is addressed later in this paper. Network Rail acknowledges receipt of the notice of dispute on 03/10/2025. On that notice of dispute GBRf said '...do not consider there to be a requirement for the dispute resolution process to be expediated at this stage...' as they were continuing discussions with Network Rail to resolve gauging issues and address their amended timetable concerns. Furthermore, Network Rail confirmed on 03/10/2025 that a Timetable Study expert had been commissioned to carry out the study. This was welcomed by GBRf, and only at this point was a completion date for the study mentioned. GBRf stated they wanted the study completed by the end of October (see GBRf Appendix 1.1).
- 4.2.7 In response to GBRf's SRD Para 4.7 Network Rail accepts this point with the exception the Possession number being incorrect as per 3.2.
- 4.2.8 In response to GBRf's SRD Para 4.8 Network Rail acknowledges that a Teams call took place on 14/10/2025. During this call, it was advised that the Timetable Study would be completed towards the end of November 2025, in time to support operator bids for Weeks 02 and 03. No operators challenged this approach, and Network Rail reasonably interpreted this as tacit agreement that the proposed timeline was supported. (see Appendix 1.9).

- 4.2.9 In response to GBRf's SRD Para 4.10 Network Rail acknowledges that while a Timetable Study was requested, the feedback from Operators was that there was a preference to align Scotland works with NW&C (which was still unconfirmed). GBRf detailed concerns around diversion routes and acknowledged alignment, they proposed alternative options to mitigate the disruption. No target date was ever requested for completion of a Timetable Study. (see Appendix 2.1).
- 4.2.10 In response to GBRf's SRD Para 4.11 Network Rail acknowledges the point that GBRf have made but in addition; in Version 2, that Network Rail changed the access footprint from what was published in Version 1, from a 9day blockade to a series of weekend access strategies. This was done to maintain alignment with access being planned on the North West Route and followed a conversation with GBRf on 28/4/2025 (see Appendix 2.2).
- 4.2.11 In response to GBRf's SRD Para 4.12 Network Rail reverted back to a 9day blockade which was published in the DPPP, this followed discussion post Version 2 and was done to maintain alignment with the access being planned on the North West Route. Network Rail acknowledges GBRf provided traffic remarks as part of their DPPP response there was no further mention that the access was unsupported as part of the DPPP response.
- 4.2.12 In response to GBRf's SRD Para 4.13 Network Rail accepts this point with the exception the Possession number being incorrect as per section 3.3 in this document. Network rail also notes that from 20:00 Fri 03/04/2026 there is a diversion to allow Operators onto the WCML at Denbigh Hall. Network Rail believes this will offer a diversion for GBRf to join the WCML South and another alternative diversion if capacity becomes an issue elsewhere.
- 4.2.13 In response to GBRf's Para 4.15 Network Rail accepts that there was no meeting specifically to address operator requirements in respect of the Easter 2026 WCS blocks. Network Rail however held Ops Impact Working Groups periodically throughout 2025, where Easter 2026 WCS blocks were discussed, which included discussions around operator requirements. GBRf were invited to all meetings and attended at least one of these meetings but received minutes from all meetings (see Appendix 3.4, 3.5 and 3.8)
- 4.2.14 In response to GBRf's Para 4.16, Network Rail agrees with the publication date of Version 2 quoted by GBRf and that GBRf responded to that publication on the 06/12/2024. Network Rail would like to draw attention to our response to GBRf's Version 1 Comments, At Version 2 Network Rail issued a Timetable Study Tracker, which detailed the Study status and responses and said that Network Rail felt that a Category 2 study was appropriate. For more detail see appendices. (see Appendix 3.1, 3.2 and 3.3).
- 4.2.15 In response to GBRf's Para 4.17, Network Rail agrees with publication dates quoted by GBRf for CPPP, however we disagree with the comment of the unsupported Timetable Study as Network Rail informed GBRf within the Capacity Study tracker that the Hanslope Study for Week 40 would cover the Easter Blockade. (see Appendix 3.1, 3.2 and 3.3)
- 4.2.16 In response to GBRf's SRD Para 5.1, Network Rail acknowledges that Decision Criteria was not included via reference LNWN26-0005. However, Network Rail submits that there is no requirement to provide the details of how the decision was applied.

Consultation took place explaining the rationale and strategy behind the requirements of the Year 3 Recovery Plan through meetings held on 29/05/2025, 12/06/2025, and 10/07/2025. While the proposed plan received broad industry support, Network Rail recognised concerns raised regarding the consequential impact on affected freight services, however during the consultation process the 'recovery plan' was still fluid as Network Rail resolved to prepare a formal proposal to operators, there was an expectation that the Christmas RoU would provide a satisfactory level of detail to form next steps in resolving any potential issues for the week 02 and 03 RoU. It was always the intention of Network Rail to undertake some level of Timetable Study. Network Rail was also working to ensure no other RoU's would impact any diversion routes, on the 16/07/2025 Network Rail East Mids Region confirmed they would amend access to support diversions. (see Appendix 1.10)

Network Rail submits that GBRf had opportunities to further consult on matters connected with the progression of the plan through the Monthly Manchester and Birmingham Operations Impact Working Groups.

- 4.2.17 In response to GBRf's SRD Para 5.2 and 5.3, it is submitted that, appropriate consideration was given in accordance with D4.6.1. Network Rail acknowledge that it did not share a written record of a completed Decision Criteria with GBRf when the decision to take these possessions was published – but nor did GBRf request sight of or a copy of the same until the submission of their SRD. If a request had been made earlier, a copy would have been supplied. It was Network Rail's understanding that the validity of the possession (the need to undertake the proposed work) was not something GBRf objected to. When faced with any decision being made under Part D of the Network Code, Network Rail is extremely cognisant of its duty to apply the Decision Criteria and are set up to assess scenarios such as this through that lens/process. It is inherent in our planning process that the Decision Criteria (comprising of the Objective and the Decision Considerations) are at the forefront of our minds when assessing options and decisions to be taken (be that awarding Train Slots or seeking access). To assist the Chair and GBRf in understanding the rationale applied in relation to these possessions, we have reviewed the information available to us at the time that the decisions were made and populated Decision Criteria tables to reflect our thinking/decision making process at the time (see Appendix 4.1, 4.2 and 4.3)
- 4.2.18 In response to GBRf's SRD Para 5.4, Network Rail does not agree with the assertion that there was a failure in correct consultation or the application of the Decision Criteria. Formal consultation was pursued in accordance with Conditions 2.2, 3.4 and 3.5 (as appropriate) of Part D of the Network Code. Application of the Decision Criteria was undertaken in accordance with D4.6 as outlined in 4.2.17.
- 4.2.19 In response to GBRf's SRD Para 5.5, Network Rail does not agree that particular considerations need to be met. All of the Considerations have been assessed in making the decision to take the possessions and have been recorded in the Decision Criteria. (see Appendix 4.1 Decision Criteria NW, 4.2 Decision Criteria WCS, 4.3 Decision Criteria Scotland). In applying the Decision Criteria Network Rail considered all the information it had at the time the decision was made including other timetable studies and therefore the anticipated impact on all affected operators.

- 4.2.20 In response to GBRf's SRD Para 5.6, Network Rail agrees that between TW30 and TW26 it should consult with each timetable participant and shall seek to agree all Network Rail Variations to be made. Network Rail sent out the Draft Period Possession Plan (DPPP) between TW30 and TW26. Furthermore, Network Rail held DPPP meetings which all affected timetable participants were invited to. Network Rail believes it did consult and seek to agree the relevant RoU with all affected Timetable Participants and hence complied with D3.4.8. Network Rail notes that while D3.4.8 obliges Network Rail to seek to agree all Network Rail Variations, it does not mandate that all decisions need to be agreed.
- 4.2.21 In response to GBRf's SRD 5.7, GBRf allege within their SRD (Para 2.3(c) that Network rail has failed to comply with its obligations under Network Code Condition D2.5.1. Network Rail refute this argument. D2.5.1 details that "Each Access Proposal shall include as a minimum..." and then goes on to list information that is to be provided to Network Rail by Timetable Participants. D2.5.2 allows for Network Rail to request additional information. It is submitted that no-where within these Conditions is an obligation placed on Network Rail, but that they do place an obligation on Timetable Participants to provide a minimum level of information. It is not clear to Network Rail what GBRf are trying to argue with the end of their Para 5.7.
- 4.2.22 GBRf raise TTP773 within their SRD (Para 5.8 and 5.9). Network Rail agree that past TTP determinations are of relevance but seek to qualify the point made. GBRf have erred in their description of TTP773 which did not amend the Access Impact Matrix (AIM) up to 7 categories, but rather was a driver for industry change to have the AIM included as part of the Rules (EAS/TPRs).
- 4.2.23 GBRf claim to have categorised the disputed possessions as either 4 or 7 (Para 5.9). The relevant version of the AIM was published in the EAS for 2026. As such GBRf are claiming that the severity categorisation should be 7, Network Rail's initial view was that Category 2 was appropriate for these restrictions of RoU's, as similar RoU's were in place over the Christmas 2025 period where Timetable Studies had been provided. For the WCS study in particular, Network Rail suggested that's the previous Study would cover the RoU. Following further discussions with GBRf, Network Rail has agreed that a Category 7 Capacity Study may be appropriate. Network Rail is actively undertaking these studies with the support of GBRf.
- 4.2.24 Para 5.10 of the GBRf SRD draws reference to TTP1704. Network Rail would also draw attention to TTP350 which stated (Para 7.4.2) "...that neither the Network Code nor the Access Dispute Resolution Rules require production in every case of a Decision Criteria table..." and TTP439/440 (Para 6.11) which noted "The lack of documentation is in itself, not critical. It is more important that NR applied the substance of the Decision Criteria than record it meticulously in writing".
- 4.2.25 Within Para 5.11. GBRf seem to be claiming that a Timetable Study is justified because potential diversionary routes may be limited because there is a Declaration of Congested Infrastructure in place between Peterborough and Huntingdon. It is acknowledged that this declaration is in place but note that anticipated congestion is likely to occur between 06:00 and 21:00. A Capacity Analysis report regarding this matter was published on 14/09/2025 (see GBRf Appendix 2.9 (not 2.8 as referenced in GBRf SRD)). A declaration of Congested Infrastructure does not mean that there is no capacity available. Decisions made on the award of capacity continue to be undertaken through the lens of the Decision Criteria.

GBRf questions Network Rail's use of Condition D3.4.8. Network Rail did consult the RoU's, between TW30 and TW26 and notified other Timetable participants via consultation at National Deconfliction meetings and via a formal proposal and decision through the EAS RoU's.

- 4.2.26 GBRf's comments within Para 5.12 of their SRD are noted, but Network Rail submit that the scope of this determination is to assess the legal entitlements of the relevant parties in relation to the disputed decisions only.
- 4.2.27 GBRf state that Network Rail has improperly used the late notice process (Para 5.13). Network Rail acknowledge the contents of the EAS (intro, page 12 and section 1.5.1.3, it is submitted that this reference acknowledges a particular use of Condition D3.4 and 3.5 but is not a restriction or prohibition on what these processes can be used for.
- 4.2.28 Network Rail note the anticipated traffic flows GBRf expect to run (Para 5.14 and 5.15). Network Rail are working to provide indicative Train slots to GBRf ahead of TW16 which is the latest date that revised access proposals should be submitted. Network Rail understand that GBRf are supportive of this approach.
- 4.2.29 The argument from GBRf in Para 5.16 is noted, but it is submitted that any disruptive possessions which may be necessary could have the same or greater impact regardless of the time of year it takes place. As detailed above, there are ongoing efforts to try and accommodate.
- 4.2.30 The argument from GBRf in Para 5.17 is noted. Network Rail does not agree that we should never rely on previous Timetable studies. Network Rail assesses on a case-by-case basis as to whether previous Timetable Studies are suitable.
- 4.2.31 The argument from GBRf in Para 5.18 says that Network rail should apply the Decision Criteria before making its decisions, Network rail submits that it did apply the Decision Criteria before any decision was made to progress with these RoU's. GBRf suggests that's Network Rail needs to follow the provisions of the National Timetable Planning Rules (NTPR), especially 6.1.1, in version of the NTPR for 2026 6.1.1 refers to Possession Strategy Notices (PSN's). As none of the RoU's that are the subject matter of dispute were contained within a PSN, Network Rail submits that's NTPR 6.1.1 is not relevant to this dispute.
- 4.3 **Issues not addressed by the Claimant that the Defendant considers should be taken into account as material to the determination.**
- 4.3.1 Network Rail, as well as the established and /or mandated consultations avenues such as National Deconfliction, EAS Responses and the DPPP/CPPP process, individual Network Rail Routes have put in place additional forums for consultation which all timetable participants are invited to. These include:
- APPG National Meeting (8 weekly)
 - North West: Significant Disruption Meeting (13 weekly), Year 3 Recovery Plan Proposal Meetings (ad hoc), and Operations Impact Working Group (periodic)
 - Scotland: HLOS Meeting (quarterly) and Timetable Change Risk Assessment Meeting (quarterly).
 - WCS: Operations Impact Working Group (periodic)

- 4.3.2 Network Rail endeavours to plan in line with the national planning timescales, however due to unforeseen circumstances this isn't always possible. For Example, the North West Route Renewals work-bank was developed across the 5 years of CP7 based on the funding envelop to deliver improved asset reliability and was phased across the 5 years to avoid an unrealistic front end loaded plan. Several challenges have been encountered which were not included in the original plans including a Land Slip at Haigh Bar, Emergency work required on Manchester Piccadilly Roof, asset repairs following the derailment at Grange over Sands, and the replacement of 2 post concrete tension bridges alongside increasing costs. This has necessitated reprioritisation across the control period, this has impacted our plans for the Year 2 and 3 work banks. Requiring reprioritisation across all years to date in the region of £80m. We will continue to manage the work bank in light of emerging risks and priorities throughout the control period.
- 4.3.3 Its Network Rail's view that the Timetable Study being carried out for Week 40 to 42 was an appropriate starting point for any subsequent studies required for the Week 02 and 03 RoU's. The East Coast Timetable Recast was a critical input into the Week 40 to 42 and any subsequent Studies, where the plan involved diverting traffic via ECML. The delivery date of the East Coast Recast had an impact on the timing of the Week 40 to 42 Timetable Study which in turn would was intended to support the Weeks 02 and 03 study.
- 4.3.4 Network Rail agrees that Timetable Studies are required certain RoU proposals. However, the level of detail required for such studies can be complex. It is Network Rail's view that previous studies should be considered acceptable as a base plan for a new study or even used in full – where agreed – In order to expedite the process and provide timely information to the industry.
- 4.3.5 GBRf's SRD fails to mention that as part of the Version 2 (final response) Network Rail WCS issue as a matter of course a capacity study tracker (Appendix 3.2). This tracker is utilised to inform operators of our position regarding the requirements for any study. In this instance Network Rail submitted that a study was underway and would contain relevant and sufficiently detailed information which negated the need for a new study to be commissioned/ undertaken. GBRf's response to this was to lodge a formal dispute with ADC noting their requirement for 'end to end timings...'. Network Rail responded to GBRf noting that the capacity study for Hanslope in Week 40 was ongoing and that we continued to be open to ongoing dialogue (see Appendix 3.3 and Appendix 3.1 and 3.2.)
- 4.3.6 The Hanslope capacity study was shared with GBRf. GBRf allege within their Para 5.12 that the study provided was of insufficient quality. This is the first communication Network Rail are aware of that informs us of this opinion. Network Rail believed the Hanslope study was going to be sufficient to cover the proposed Easter blockades. Notifying Network Rail that a capacity study is of insufficient quality after lodging a formal dispute significantly reduces the scope of any remedial actions that may be required.
- 4.3.7 Network Rail have subsequently set up/ held meetings with GBRf to discuss these issues. A new Timetable Study is now being undertaken to account for the train services that GBRf have now informed Network Rail are affected.
- 4.3.8 Details of the work being undertaken in the RoU's referred to in this dispute can be found I Appendix 4.2.
- 4.3.9 Network Rail states that it is not unusual to plan and execute RoU's across parts of the West Coast Main Line. In fact, during this year alone, Network Rail successfully delivered the Greek Street Blockade, which effectively closed the WCML into Manchester Piccadilly for three weeks.

Further RoU's have been agreed for:

- Weeks 40–42: A 14day blockade between Oxenholme and Carlisle South.
- Weeks 39–40: A 11day blockade at Hanslope - (S&C) Renewal.
- In 2024 there was a 4day blockade over Easter between Euston and Milton Keynes.
- In 2023 Significant blockades around the Carstairs area (45 days followed by 7 weekend closures)

4.3.10 The RoU's referenced in Section 3.3 were implemented following changes to the work bank on the North West Route and Network Rail's revised access requirements. This approach was specifically agreed upon with the most impacted operators as a practical solution, ensuring alignment with the strategies adopted in both Scotland and the North West. Confirmation Scotland where following this approach was communicated to operators including GBRf through email correspondence. (see Appendix 2.3).

4.4 Why the arguments raised in 4.1 to 4.3 taken together favour the position of the Defendant.

4.4.1 Network Rail has sought to engage and consult with affected Timetable Participants throughout the process of establishing these RoU's. Chronologies/Timelines of engagement are in Appendix 1.1, 2.4 and 3.16.

4.4.2 Network Rail has applied the Decision Criteria in coming to its decisions to take the RoU's.

4.4.3 Network Rail agrees with the principle that Timetable Studies can be essential. However, the level of detail required for such studies can be subjective and complex. It is Network Rail's view that previous studies should be considered acceptable as a base plan for a new study or even used in full – where agreed – In order to expedite the process and provide timely information to the industry. In this case Network Rail's initial view was that the studies done for the Christmas 2025 period would form a suitable base for the RoU's disputed in GBRf's SRD. Following further discussions between Network Rail and GBRf, agreement was reached that a new Study would be provided, and Network Rail is actively progressing this work.

4.4.4 It is Network Rail's position is that RoU's that's block the WCML are not unprecedented. Network Rail has consistently worked with all operators to reach industry solutions that minimise the impact of these RoU's, and that principle has not changed with the approach to those RoU's set out in Sections 3.2, 3.3, and 3.4.

Network Rail acknowledges that this is a challenging undertaking with significant impacts, particularly for Freight stakeholders. However, throughout these discussions, Network Rail's commitment has been to collaborate and deliver a solution that is as acceptable as possible for all parties.

5 DECISION SOUGHT FROM THE CHAIR

5.1 Network Rail seeks confirmation that exceptional circumstances (as referenced in Condition D5.3.1(c)) are not applicable in this instance (as claimed by GBRf).

5.2 Network Rail seek a direction under Network Code Condition D5.3.1(b) that the decisions made in relation to the Restrictions of Use disputed by GBRf are upheld.

5.3 Network Rail confirm that no costs are sought on this matter.

6 APPENDICES

6.1 North West.

- 1.1 Timeline.
- 1.2 CPPP Publication
- 1.3 SNDM Meeting Notes
- 1.4 V1 Recovery Plan
- 1.5 Initial Consultation
- 1.6 Updated Consultation
- 1.7 Decision
- 1.8 Decision Response
- 1.9 Email Meeting Context Confirmation
- 1.10 Email exchanges Network Rail East Mids/North West.

6.2 Scotland.

- 6.3 2.1 ARP/EAS Version 2 Response
- 6.4 2.2 GBRf/Scotland Email exchange regarding North West Removal of 14 Day Blockade
- 6.5 2.3 Operators Email Exchange regarding aligning access
- 6.6 2.4 Scotland Timeline

6.7 West Coast South.

- 3.1 Network Rail response Final Rules EAS Version 2 weeks 37 to 1
- 3.2 Network Rail Capacity Tracker alongside EAS Version 2 response week 37 to 1
- 3.3 Network Rail Email response to GBRf ahead of Version 2.1
- 3.4 Network Rail minutes from Ops Impact Working Group (June)
- 3.5 Network Rail minutes from Ops Impact Working Group (August)
- 3.6 Network Rail Attendance and Responses from DPPP weeks 49-53
- 3.7 Network Rail Attendance and Responses from DPPP Weeks 1-4
- 3.8 Network Rail minutes from Ops Impact Working Group (October)
- 3.9 Network Rail Email following Meeting with GBRf regarding Capacity Study after being put into dispute
- 3.10 Network Rail Email Correspondence ask GBRf for Trains affected for Week 1
- 3.11 GBRF Reply to affected trains for Week 1
- 3.12 Network Rail internal call set up to review affected trains
- 3.13 Network Rail Meeting invite Part 2 with GBRf

3.14 Network Rail Email to GBRf with offered paths for some trains

3.15 Network Rail Meeting invite Part 3 with GBRf.

3.16 Timeline of events.

6.8 Other Appendix

4.1 Decision Criteria North West.

4.2 Decision Criteria West Coast South.

4.3 Decision Criteria Scotland.

4.4 Impact Statement

7 SIGNATURE

For and on behalf of

Network Rail

Signed

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

Gavin Jones

Head of Planning North West Route