

**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**

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**APPENDIX NR7 TO NR'S RESPONSE TO  
THE 3<sup>rd</sup> GBRf SRD**

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**Introduction**

1. This appendix gives the detail of NR's consultation with GBRf and other Network Participants over the issue GBRf introduces at paragraphs 5.8, NR proposal to change the platform-end margins at London Waterloo.
2. The material dates and actions of the chronology of this proposal are:

**Pre D64**

3. On 19 May 2011 - Waterloo Scheme Performance Assessment was published, which GBRf refers to in paragraph 5.8.
4. On 8 April 2016 the base assumption document for the relevant Franchise was issued, including the: 4 minute junction margin. This document had been provided to SWT as it had applied for the franchise contract (although did not get it) so were therefore aware of the change to the margin. South West Trains were in possession of this document, but GBRf would not have been.

**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**

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

5. NR accepts that it carried out no consultation of the London Waterloo route prior to issue of version 1 of the TPRs, as at that stage, there had been no change.
6. On 17 October 2016 NR published the Wessex TPR Version 1 without the London Waterloo changes that concern GBRf in this dispute.

**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**

7. On 21 October 2016 all operators responded to the Wessex Version 1. No operator raised an issue with Waterloo.

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

8. This is the material period – during which NR properly responded to the consultation with London Waterloo’s largest user, South West Trains
9. On 30 November 2016 – the modelling works for Waterloo can be seen from internal NR Email and Railsys analysis.
10. On 30 November 2016 Joanna Davey, Train Planning Manager of South West Trains and Robert Rix, Amended Schedule Processing Manager of NR had email discussions over London Waterloo.
11. On 25 and 26 January 2017 – Maria Lee of NR and Joanna Davey of South West Trains emailed regarding the wording for Waterloo Train Planning Rule changes, and they had an agreement by the time of 5.28 pm.
12. NR did not consult with other users.

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

13. On 3 February 2017 NR published Version 2.0 of the Wessex TPR, including the change to Waterloo.
14. GBRf responded to state:  
  
*'SW100 Waterloo – changes made not agreed. No evidence has been provided as to why change is necessary or how the revised values have been calculated. (2018 v2.0).'*
15. On 21 March 2017 – NR sent a D2.2.7 consultation email to GBRF, with detailed analysis and reasons for the proposed change. The reason NR gave, which remains the reason, is that modelling work identified a 30 second increase between platforms 1-19. NR decided to allow 50 services per day to be planned to a minimum value of 3 minutes and all other

services to be planned to a minimum value of 4 minutes. NR provided an SPA report in support, and listed NR's considerations of each of the Decision Criteria. NR's email concluded as follows:

*I trust that this provides an adequate response to the challenges raised in your V2 proposal response concerning Waterloo junction margins and hope to hear from you in due course.*

*In the event that this provides you with the necessary assurance that the values are suitable, can you please confirm via email that this item will no longer be part of the Version 2 TPR dispute (TT1069).*

16. On 22 March 2017 - GBRF responded to this email challenging NR's proposal.
17. There followed emails in which NR and GBRF discussed whether there had been consultation – Jason Bird of GBRf wrote to NR that he did not recall a D 2.2.7 consultation.
18. On 23 March 2017 Jason Bird of GBRf emailed NR to state that he did not accept that there had been proper consultation as no other access beneficiary had been consulted and the proposal was the same as that in Version 2.0 of the TPRs.
19. On 31 March 2017 NR emailed all operators with a consultation of Waterloo Margins under D. 2.2.7. They asked Timetable Participants to respond by close of business on 14 April 2017.
20. NR received a response from GBRF at a meeting held on 13th April 2017. NR sent a draft to GBRF for agreement on 13th April removing the South West Trains Train Planning manager's comment and amending to Train Planning Manager (operator/s) and addition of Charter services being included in the 50 services that could be planned to 3 minutes. After further email dialogue on April 19th addressed the removal of the Train Planning Manager and confirmed that charter services were in addition to the 50 services and would be planned at 3 minutes. The wording was rewritten and a decision of the 2.2.7 Consultation was sent out on 21 April 2017. NR sent an email to GBRf asking if this satisfied GBRF's concerns, they stated that it did and the dispute would be removed. GBRf are currently reviewing all their dispute items and have indicated they will be raising a letter to the TTP removing the Waterloo dispute item.

## **Conclusion**

21. NR modelling on London Waterloo infrastructure works assumed a compensation benefit from segregated working of the station, but this will not be the case until December 2018. "Segregated working of the station" means that after all works are completed there will be dedicated platforms for services, for example 1-4 dedicated to main to sub trains, 5-11 dedicated to main to main trains and 11-24 dedicated to Windsor line trains. This does not take place until after all the works are completed which will be addressed in the December

2018 rules. The initial modelling works were based on this approach and not how it will work until Dec 18.

22. There is therefore a requirement for an 'interim' position between the December 2017 Rules and the December 18 Rules. It appears that an agreement is likely to have been reached.
- 22.1 The 'Waterloo throat' (the crossover point for the trains at the junction) has been moved out from the station to the make the fouling point further from the buffers where the interval is measured; and
- 22.2 Each train going into platforms 1-8 will be 40m longer
23. The two above factors mean it will take longer to pass the fouling point. Therefore any arrival/departure involving West Crossing has been set at 4 minutes (platforms 1-19). This rule provides performance resilience into the timetable during the interim period between the December 2017 and December 2018 rules are implemented.
24. This revision of the Rules reflects the Operational impact of the difference between the Technical Margin calculated and the Operational Planning Margin used in timetable generation.
25. The Version 2 change was in response to Southwest Trains' (the impacted operating company) representation on this issue. The change was therefore made in Version 2 under Network Code Part D 2.2.5 (this part of the Code does not state that **all** participants need/require to be consulted at this stage) after Southwest Trains' representation from Version 4.1, NR having worked collaboratively with SWT during the process of consulting version 1.
26. GBRF are in the process of being consulted under Network Code Part D 2.2.7. However GBRf would not initially accept this as a consultation as it did not consult all Timetable Participants.
27. This issue has no material impact on GBRf as these are junction margin changes for platform reoccupations at Waterloo Station and GBRf only run approximately 2 charter services in to Waterloo platform a year.
28. The Department for Transport (DfT) Base assumption document for 'Franchise proposals' recommends the 4 minute margin (extract - document 2). No other Operator has disputed the value of 4 minutes in version 2 other than GBRF.
29. NR accepts that this change was not consulted to other operators in Version 1.
30. GBRF have not proposed any alternative values for the interim period at London Waterloo.