

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 NR3 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 paragraph 5.1, the proposal to reduce the Down direction standage limit at South Tottenham East.
2. The material dates and actions of the chronology of this proposal are:

PRE D64

3. 15 October 2015: the ORR gave its Determination TTP807/808 introduced at paragraph 12 of NR's Response which rejected the link between TPR changes and Network Changes.

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

4. 10 October 2016: Version 1.0 forum at which NR proposed the reduced loop length. The minutes record disagreement over the application, in particular from Freightliner, but not GBRf. NR advised the forum that the TPRs only reflected what was "currently on the ground".

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

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

5. On 21 October 2016 NR published Version 1.0 of the Anglia TPR, with the reduced SLU.
6. 20 November 2016: GBRf provided its response to Version 1.0 with an objection over loop length. GBRf's objection was that the associated Network Change had not been established, despite this reasoning for an objection having been expressly rejected by the ORR in October 2015. GBRf did not address NR's technical reasons saying that the new value will reflect what is actually on the ground which had been explained at the 10 October 2016 meeting.

D-54 (25/11/16) to D-44 (03/02/17) – NR shall consider representations and objections

7. 3rd January 2016 – NR responded to Version 1.0, the South Tottenham Loop comment is 'noted'.
8. 6 January 2017: Version 2.0 forum meeting, the minutes read:

South Tottenham SLU reduction. NR to keep reduction in TPRs as was agreed that the TPR process is separate to the Network Change process. No objections to keeping in, operators not yet agreed with Network Change though. Concern over current running once the GOB reopens.

GBRf was invited to this meeting but did not attend.

D-44 (3/2/17) – NR shall issue the final revised rules (v2)

9. 3 February 2017: NR published Version 2.0 of the Anglia TPR, with the reduced SLU.
10. 23 February 2017: GBRf responded to Version 2. The GBRf response repeated their Version 1 response. It provided no additional or amended text and made no recognition of the NR response sent on 3 January 2017 to GBRf's Version 1 response.
11. 17 March 2017: NR responded to GBRf's version 2 response, stating this loop length will remain in the rules as operator disagreement is with Network Change, not TPRs, and that it is a safety issue:

this will remain in the rules as train planning had no involvement with operator disagreement about the Network Change process, we want to represent the reality of what the standing length is, both to assist with timetabling and safety.