

1 DETAILS OF PARTIES

- 1.1 The names and addresses of the parties to the reference are as follows:
- 1.2 (a) The names and addresses of the parties to the reference are as follows:
- (a) GB Railfreight Limited ("GBRf") whose Registered Office is at 3rd Floor,
55 Old Broad Street, London, EC2M 1RX; and
 - (b) Network Rail Infrastructure Limited ("NR") whose Registered Office is at
1 Eversholt Street, London, NW1 2DN.
- 1.3 Third parties to this dispute may include DB Cargo, Freightliner Ltd., DC Rail, Northern and TransPennine Express.

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 Conditions D2.2.8, D6.4.1 and D5 of the Network Code. GBRf is dissatisfied with the decision made by NR to take additional Section 5 Midweek Maintenance disruptive possessions due to the unacceptable adverse impact it would have its business.

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 On 25th February 2022 GBRf raised a formal dispute with the Access Disputes Committee ("ADC") appealing the decision of NR regarding multiple published engineering access items under Section 4, Section 5 and Section 7 of the 2023 Engineering Access Statement ("EAS") [Appendix 1.1]. GBRf opted to expedite specific items within the EAS, namely those published by the London North Western route teams. The appeal was raised pursuant to Conditions D2.2.8, D6.4.1 and D5 of the Network Code and the Secretary registered it as TTP2004 [Appendix 1.2].
- 4.2 Since the appeal was registered positive dialogue has continued between the two parties and, as a result, GBRf has been able to *withdraw* its dispute to all but one of the items that were within initial appeal notice. GBRf has regularly updated the Secretary and NR on what has been a very fluid position; relevant correspondence contained within Appendix 1.3 and 1.4.
- 4.3 This Sole Reference Document ("SRD") refers to the one remaining item that it has not been possible to resolve through on-going correspondence between the two parties: an additional Section 5 possession strategy first published within Version 1 of the 2023 EAS and carried through to Version 2. These additional Section 5 possessions are planned to block the NW9005 route for 4 hours and 55 minutes in duration (00:05 – 05:00), four nights per week, nine weeks per year (a one week in every six strategy).
- 4.4 The EAS is published annually by NR, setting out the possession strategy to maintain the network. Versions 1 and 3 are proposal documents to which operators respond any queries, concerns, or questions. Versions 2 and 4 are the decision documents, which should incorporate operator's feedback to Versions 1 and 3. The 2023 timescales relating to this documentation are detailed within Appendix 5.1.
- 4.5 Section 5 of the EAS details possession strategies that will taken on a regular patterned basis, for example a possession that will be taken every six weeks in the same window on same route.
- 4.6 NW9005 is the route code for the section of line between Chinley South Jn and Buxton Run Round Sidings; a map illustrating this is included within Appendix 5.2.

- This section of line is a major rail freight artery for the aggregates sector, connecting four active quarries and an active cement works to the national rail network.
- 4.7 GBRf has appealed the decision of NR as it is disruptive to a large number of existing services in operation and also will adversely affect new services planned to commence within 2022. GBRf is of the view that NR has underestimated the impacts that its decision will have upon its operation (and others within the rail freight sector) and that there are other, more palatable, alternatives that have not been exhausted before NR reached its decision.
- 4.8 The subject matter was first discussed with NR, alongside other affected operators and third-party customers, on 4th November 2021 [Appendix 4.1] at a one-hour meeting. GBRf notes that date was after the publication of version 1 of the EAS. GBRf has seen no notes from this meeting, despite having requested them [Appendix 4.2], nor was the meeting recorded, so it is believed that there is no formal record of the outcomes or agreements made. With no formal notes being provided, GBRf has detailed its interpretation of the outcomes of this meeting within the remainder of this section.
- 4.9 A follow-up meeting was arranged for the 18th November 2021 but GBRf was unable to attend, primarily due to the proximity of the formal deadline for response to version 1 of the EAS (26th November 2021), exacerbated by the issuing of a late notice blockade of the key West Coast Main Line freight artery. As far as is known, these were the only meetings on the subject matter prior to version 2 of the 2023 EAS being published.
- 4.10 The meeting on 4th November 2021 set up seeking feedback from operators on its proposal to add additional engineering possessions on NW9005. NR highlighted that it had, in its view, insufficient maintenance opportunities on the line between Chinley South Junction and Buxton. However, it was unclear on exactly what the additional requirements were; any block of a minimum four hour duration seemed to be the base specification. NR expressed it was open to ideas and options as to how this might be achieved within a section 5 strategy.

- 4.11 Various options to achieve this were discussed, including both day time and night time possibilities. However, with a minimum requirement of four hours during which there would need to be no train movements, it was clear there were no sufficient gaps to enable this to happen without disrupting the existing train plan.
- 4.12 A potential option was floated to separate the NW9005 route into three sections and the proposed possessions taken at different times of the day, with shorter durations for each. In principle, GBRf was open to this proposal and was keen to explore further but has not seen a detailed proposal from NR on how this might work in practice. GBRf is disappointed that this option was not further explored before the publication of version 2 of the EAS, with the NW9005 S4 possession remaining unaltered from version 1.
- 4.13 GBRf highlighted that NR has considerable access to the NW9005 route within Section 4 of its 2023 EAS [Appendix 2.1]; 13 hours between Chinley South Junction and Peak Forest SB and 15 hours Peak Forest SB to Buxton every Sunday. GBRf requested that NR demonstrate how well utilised the current Section 4 engineering access opportunities have been to date, with a view to establishing whether the additional access sought was necessary or whether the further proposed works could be accommodated within the existing access opportunities. To date, GBRf has seen no detail of how NR utilises its existing Section 4 access on NW9005.
- 4.14 GBRf also highlighted that NR has within its 2023 EAS (carried over from the 2022 EAS) overnight section 5 possessions, one week in twelve, which overlaps with the proposed additional one week in six possessions between Chinley South Junction and Buxton [Appendix 2.2]; these two Section 5 possessions overlap between Great Rocks Jn and Buxton. GBRf again challenged NR to demonstrate what consideration has been given to conducting the maintenance requirements for which the additional mid-week access has been sought within the existing mid-week overnight possessions
- 4.15 GBRf formally responded to the version 1 of the 2023 EAS publication document on 26th November 2021 stating that the additional Section 5 possessions of

NW9005 would cause an unacceptable level of disruption to its operations and, in turn, its customer's respective businesses [Appendix 3.1]

- 4.16 NR replied to GBRf's formal response to the version 1 of the 2023 EAS publication document stating that it was supportive of continuing discussions to address the increasing challenges faced in maintaining the infrastructure on NW 9005" [Appendix 3.2] So far as GBRf is aware, no further dialogue took place prior to the issuing of version 2 of the 2023 EAS on 2nd February 2022.
- 4.17 Between the publication of Version 1 and 2 of the 2023 EAS GBRf sought to discuss the matter with the LNW Route Freight Manager but did not receive a response to its correspondence, despite this having been followed up [Appendix 5.19].
- 4.18 Version 2 of the 2023 EAS, the decision document, was published on 4th February 2022. GBRf was disappointed to find that the additional NW9005 Section 5 possessions remained unaltered from the version 1 publication, despite the feedback that had been provided. GBRf is of the view that, to date, inadequate analysis and discussion has taken place to enable NR to make this decision. GBRf formally responded to version 2 of the 2023 EAS on 25th February 2022 EAS [Appendix 3.3]. Within its response GBRf stated that it would appeal the decision of NR and, in light of the lack of dialogue on the issue, asked whether NR had applied the Access Impact Matrix to the NW 9005 possessions it is seeking to add, as set out within Section 7 of the National Timetable Planning Rules [Appendix 5.3].
- 4.19 There has been no further progress on the issue since the response to version 2 of the 2023 EAS on 25th February 2022, at which time a notice of dispute was lodged concurrently, pursuant to Condition D2.2.8 of the Network Code [Appendix 5.4]. Given the severity of the issue, GBRf asked the Secretary to expedite the appeal to a panel hearing.

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

- 5.1 GBRf is supportive of NR in its objective to safely maintain the railway to enable the safe carriage of passengers and goods. However, in this instance, it believes that NR has lost sight of this objective and that its decision to impose the restriction of use as published would have huge detrimental impacts upon the operation of the railway. GBRf is of the view that NR does not fully understand these impacts having not carried out the investigation mandated within the Network Code. On this basis GBRf asserts that NR cannot have correctly applied the Decision Criteria, as per Condition D4.6.2 of the Network Code and thus has failed to achieve The Objective, as per Condition D4.6 of the Network Code [Appendix 5.5], in reaching the decision to take the access it desires.
- 5.2 The route in question (NW 9005; Chinley South Junction to Buxton) is a major rail freight artery for the aggregates sector, connecting five quarries to the national rail network; four active (Tunstead, Dove Holes, Hindlow and Dowlow) and one inactive but in the process of being re-connected (Hillhead). There is also an active cement works operating from Tunstead. Appendix 5.2 contains a map illustrating the various quarry locations.
- 5.3 The Hope Valley corridor (as the rail link to these quarries is colloquially referred to) has recently seen a considerable increase in traffic, primarily driven by increased demand for construction materials for the on-going HS2 construction project, alongside natural growth in the sector. Construction traffic moved by rail has increased by 12.4% since 2019, despite the impacts of the COVID pandemic (ORR Official Statistics) [Appendix 5.6].
- 5.4 GBRf currently operates six flows that would be impacted by NR's decision, should it remain unaltered, with a seventh expected to commence in Q2 2022 [Appendix 5.7]. Four of these are directly serving the HS2 construction project. Each of these trains conveys between 1,400 and 1,800 tonnes of construction material, with most running daily. For the sake of clarity, trains to and from Hindlow and Hillhead quarry run via NW9005 and run round at Buxton Run Round Sidings to access the two quarries.

- 5.5 GBRf wishes to highlight that the flows from Hindlow quarry (and Hillhead quarry in the future) are also restricted by overnight possessions one week in twelve [Appendix 2.2]. The overlapping Section 5 strategy between Great Rocks Junction and Buxton within the 2023 EAS effectively constitutes an overnight block three weeks in twelve as the weeks of the respective possessions do not align. Whilst suboptimal, GBRf did not challenge the one in twelve possessions within its EAS response but it should be highlighted that GBRf already considers this to be a position of compromise. The additional of the new one in six possession is a compromise that GBRf cannot stretch to. Consistent with its position in the meeting of 4th November 2021, GBRf challenges NR to demonstrate what consideration has been given to conducting the maintenance requirements, for which the additional mid-week access has been sought, within the existing mid-week overnight possessions.
- 5.6 The NR Section 5 possession strategy for the NW9001 [Appendix 2.3], the route between Sheffield and Manchester into which NW9005 connects into [Appendix 5.2] is compiled in such a way that one of the two routes is always open. This reflects the long-standing acknowledgement that there is a requirement for overnight rail access to the Hope Valley quarries. This is particularly true given the nature of the traffic in this area, heavy construction materials, for which it is often troublesome to find network capacity during the day.
- 5.7 NR also has considerable access to the NW9005 route within Section 4 of its EAS [Appendix 2.1]; 13 hours between Chinley and Peak Forest SB and 15 hours Peak Forest SB to Buxton every Sunday. GBRf has raised no objection to this access within its response to the 2023 EAS. Again, consistent with its position in the meeting of 4th November 2021, GBRf challenges NR to demonstrate what consideration has been given to conducting the maintenance requirements, for which the additional mid-week access has been sought, within the existing Sunday possession opportunities, including the potential to extend these hours if required. This would have a much-reduced impact on the train plan and should be considered thoroughly before it is discounted.
- 5.8 GBRf is well aware of the challenges involved with the creation of rosters for frontline staff and is in little doubt that NR has many conflicting demands for its

- maintenance resource on a Sunday. However, the expected increase in demand on Hope Valley, primarily driven by the construction of HS2, has been known about for an extended period of time. Amid extraordinary discussion with NR on the topic, GBRf first submitted its requirements with its formal Priority Date Notification Statement in August 2019 [Appendix 5.8]. A series of meetings were also held on the topic, involving NR and all train operators [Appendix 5.9]. It is extremely disappointing and frustrating that, despite the extensive work that was carried out in advance, NR did not proactively produce a maintenance strategy to accommodate this growth. Had NR acted sooner there would have been much greater propensity for rostering changes to be made, should they be needed. Instead, it has waited until the additional traffic has commenced before deciding that it requires additional access and is now attempting to retrospectively apply this.
- 5.9 Despite NR stating that *"the DU are supportive of continuing discussions to address the increasing challenges faced in maintaining the infrastructure"* [Appendix 3.2] in its reply to GBRf's response to Version 1 of the EAS, no further dialogue took place prior to the issuing of Version 2, the decision document, on 2nd February 2022. Irrespective, and despite being aware of the objections of its customer, NR made the decision to include the additional access.
- 5.10 Responding to Version 2 of the EAS [Appendix 3.3], GBRf noted that it would appeal the decision of NR and, in light of the lack of dialogue on the issue, asked whether NR had applied the Access Impact Matrix to the NW 9005 possessions it is seeking to add, as set out within Section 7 of the National Timetable Planning Rules [Appendix 5.3]. GBRf has not yet had a response to this query, nor has it seen any evidence of NR attempting to apply to apply the Access Impact Matrix in relation to this issue.
- 5.11 GBRf expects circa 300,000t of construction material, every year, could no longer be transported by rail should NR's decision remain unaltered. Appendix 5.7 provides enhanced detail of these lost tonnages, and associated revenue losses that GBRf would expect to incur as a result. These figures represent GBRf losses only; Freightliner and DB Cargo would likely be affecting to a

similar degree, representing a significant financial disbenefit to rail freight and the rail industry as a whole.

- 5.12 Losses such as these could possibly render these rail operations unviable in the future. It is almost impossible to find an alternate use, one week in six, for the resources that are in use five weeks in six on these flows. Notwithstanding the logistical challenges, there are very few customers that have demand for trains on one week in six. As a result, the asset would likely stand idle one week in six. The cost base of the flow therefore remains unaltered, but the revenue earned would be reduced by 16.6%, turning profitable flows into loss making ones.
- 5.13 As noted within the ORR Freight Rail Usage and Performance publication, dated October to December 2021 [Appendix 5.6], *"with existing quarries at capacity, previously dormant rail facilities at quarries are being re-opened to provide additional output"*. This includes Hillhead quarry, which is in the process of being re-connected to the national network via NW9005. There are very few, if any, alternatives to the Hope Valley quarries that are able to supply the quality and grade of construction material product that the HS2 project demands. As noted within a letter from Tarmac [Appendix 5.10], owner of three of the Hope Valley quarries, the decision of NR would likely bring demand for *"22k additional HGV movements over the 8 or 9 weeks a year"*. This is on the assumption that the resource to deliver via road haulage can be secured, which is highly unlikely given the chronic shortage of HGV drivers that the UK has experienced in the past year or two, especially given the fluctuation in demand from week to week.
- 5.14 The letter from Tarmac [Appendix 5.10] further highlights the enormous adverse impact of the proposed NW9005 2023 EAS on its own operation. It, too, urges NR to reconsider its proposal and encourages further dialogue to work towards a solution that is palatable. This letter was shared with NR on Thursday 17th March 2022 [Appendix 5.11]. Cemex, owner and operator of Dove Holes quarry, has expressed similar concerns on the same topic [Appendix 5.12].
- 5.15 GBRf has seen no evidence that NR has satisfactorily considered these impacts. If it believes it has, GBRf would strongly suggest that it has misunderstood the enormity of what it has proposed. There is a genuine risk that national

infrastructure projects, such as HS2, will not be able secure the construction material that they require to meet their respective build programmes as a direct result of NR's decision.

- 5.16 This suggestion is supported by an email received on 4th March 2022 from NR, North West and Central Region [Appendix 5.13], requesting workshops to understand GBRf's needs, the issue having been identified *"that we have not looked how section 4 standard opportunities & section 5 midweek access affects your business"*.
- 5.17 Given the impact of this proposal on operators, which NR has been made aware of, GBRf would have expected NR to apply its own Access Impact Matrix process. Had it done so, the necessary capacity study work could have been concluded and shared, before a decision was reached and published in Version 2. GBRf is firmly of the view that deciding to change the EAS, in the hope that the necessary detail to support the decisions that are made within are resolved post publication, is unacceptable.
- 5.18 GBRf would also expect NR to share detail of how it applied the Decision Criteria, as set out in Condition D4.6.2 of the Network Code [Appendix 5.5] in reaching its conclusion to include the additional access in Version 2 of the 2023 EAS. Whilst noting that there is no obligation on NR to do so, GBRf would suggest that it would have been beneficial to all interested parties if NR had done so at the time of making their decision. This would assist in demonstrating what had been taken into consideration and aid operators in understanding the decision made so that this, in turn, can be conveyed to end customers of rail, such as Tarmac.
- 5.19 To assist in this respect, GBRf has compiled its own interpretation of how the Decision Criteria should have been applied in this instance [Appendix 5.14].
- 5.20 The remarks within the determination of TTP 1706 found that it was "difficult to understand how NR could have considered its application of the Decision Criteria to have been fully informed without the required Capacity Study having been completed" (Paragraph 72) [Appendix 5.15]. The ORR supported this position within the subsequent appeal – *"we accept the Panel's finding that it*

was difficult to understand how NR could have been fully informed in the absence of a Capacity Study" (Paragraph 69) [Appendix 5.16]. The same has occurred in this instance; no capacity study has been produced prior to a decision having been made.

- 5.21 The same determination provided guidance that *"NR should be reminded of the need to understand the commercial interests of its customers, which appears not to have been the case here. The ORR's Determination of TTP102 is a useful tool for possession planners. Within possession planning NR is reminded of the need to follow the provisions of the National Timetable Planning Rules, especially 6.1.1."* (Paragraph 87.5) [Appendix 5.17]. Again, the ORR agreed with the Panel's determination that *"NR's application of the Decision Criteria was flawed in this instance (and takes no issue with its characterisation that it was "seriously flawed"). The Panel identified that if NR had properly weighted the Decision Criteria in accordance with Condition D.6 of the Network Code, it would have identified that the majority of them were in favour of the affected freight operators; it found that this was especially true with regard to their commercial interests"* (Paragraph 69) [Appendix 5.18]. It is very apparent to GBRf that NR has not accurately considered GBRf's commercial interests in making its decision.
- 5.22 A critical point for consideration is that the December 2022 working timetable will be constructed based upon Version 2 of the EAS. If the possessions remain as published, it will have a huge material impact on GBRf services. At the time of writing the publication of the Confirmed Period Possession Plan (CPPP), which finalises the possession plans on a week by week basis, is just twelve weeks from publication. Without a change to the Version 2 document at this stage, GBRf will have little choice but to raise another appeal when the possessions are again planned at this stage. For this reason, GBRf is seeking the withdrawal of the additional possessions from Version 2 of the EAS. GBRf would suggest that the desired additional Section 5 possessions are included again in the Version 3 proposal document and that NR conducts the necessary analysis to make a better-informed decision within the Version 4 decision document, due to be published on 15th July 2022. In the event that this suggestion was to be

adopted GBRf would reserve its right to appeal the decision made within Version 4 of the EAS should it need to.

- 5.23 GBRf asserts that NR is remiss in reaching its decision to take additional overnight possession on NW9005 without having sufficiently analysed the impact that it will have on its direct and indirect customers. The risk that this has imparted onto GBRf, its customers and national industry as a whole is unquantified, but potentially enormous, and on this basis NR's actions are unacceptable. Previous determinations have overturned similar NR decisions where they have been reached without the correct process having been followed. In this instance the correct process has not yet started. GBRf is firmly of the view that these additional possessions must be removed from the EAS until such time that the correct procedures have been followed.
- 5.24 HS2 represents the largest national infrastructure project in history. Its construction has increased demand for construction materials exceptionally in the past year or two. Whilst the process of NR deciding to make a change to its EAS is not unusual, the impact in this instance is unprecedented; the multi-billion-pound construction programme of HS2 could be brought to a halt as a direct result of this decision. On this basis GBRf asserts that exceptional circumstances have occurred in this instance, thereby enabling Network Code Condition D5.3.1 (c) to be exercised.
- 5.25 It could be argued that NR regularly makes decisions without having followed the correct procedure; indeed, GBRf has cited one particular example that was determined by TTP 1706. However, GBRf is of the view that regular deviations by NR from the process should not prevent the use of Network Code Condition D5.3.1 (c).

- 5.7. GBRf Expected Tonnage and Revenue Losses due to 2023 EAS strategy on NW9005
- 5.8. Email confirming GBRf May 2020 PDNS Submission
- 5.9. Invites to NR meetings relating to HS2 Materials by Rail on North West & Central
- 5.10. Letter from Tarmac relating to the 2023 EAS on NW9005
- 5.11. Email to NR sharing Tarmac letter
- 5.12. Email from Cemex relating to the 2023 EAS on NW9005
- 5.13. Invite to NR meeting "Getting to know you better & understanding your business needs"
- 5.14. GBRf Decision Criteria in relation to 2023 EAS on NW9005
- 5.15. Extract of ADC TTP 1706 Determination – Requirement of a Capacity Study
- 5.16. Extract of ORR TTP 1706 Determination – Requirement of a Capacity Study
- 5.17. Extract of ADC TTP 1706 Determination – Application of Decision Criteria
- 5.18. Extract of ORR TTP 1706 Determination – Application of Decision Criteria
- 5.19. Email correspondence with LNW Route Freight Manager

Appendix 1.1 – GBRf Notice of Dispute

GB Railfreight

Pioneering the Digital Rail Freight Revolution

55 Old Broad Street,
London EC2M 1RX.

Mobile: [REDACTED]
Email: [REDACTED]

Tamzin Clo...
Committee Secretary,
Access Disputes Committee,
Floor 2 Mimet House,
5a Prad Street,
London,
W2 1NJ.

Date: 25th February 2022

Dear Tamzin,

Notice of Dispute:

On behalf of GB Railfreight Limited, Company No. 03707899, at the registered address of 55 Old Broad Street, London, EC2M 1RX, and pursuant to Conditions D2.2.8 and D5.1 of the Network Code, I give Notice of Dispute with Network Rail Infrastructure Limited in relation to the 2023 Engineering Access Statement Version 2.

This dispute is brought on the basis that GB Railfreight Ltd. disagrees with, and cannot support, many restrictions of use decisions made by Network Rail throughout this document, which have severe impact to our customers and our business.

GB Railfreight Ltd. considers this matter to be a time-binding dispute and the Secretary is asked to proceed in accordance with Access Dispute Resolution Rule 85.

Owing to the exceptional impact to our customers and our business, GB Railfreight wishes to expedite this Notice of Dispute at the earliest opportunity, specifically in regard of the individual items in the proposals below which are contained in EAS 2023 Version 2 Decision publication. In expediting these specific items, GB Railfreight Ltd. is also reserving its right to bring other items in this Notice of Dispute forward for hearing at a later date.

Section 4 LNW (North)

Page 98 NW5001.10 Manchester Piccadilly East Jn and Manchester Piccadilly Station Midweek

Page 113 NW6001.1 Manchester Piccadilly East Jn and Castlefield Jn Midweek

Section 5 LNW (North)

Page 20 NW6005 (new entry at version 2) Deal St Jn and Windsor Bridge South Jn weeks 40, 42, 43, 44, 46, 48, 49, 52, 02, 03, 04, 05, 08, 09, 12, 14, 15, 16



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6 DECISION SOUGHT FROM THE PANEL

6.1 The Claimant is requesting that the Panel determines that:

(a) NR has failed to satisfactorily consider the impacts of its decision, in particular the commercial interests of GBRf, in reaching its decision to take additional overnight cyclical possessions, 1 week in 6, on NW9005. In doing so, it is remiss in its application of the Decision Criteria and thus has failed to achieve the Objective.

(b) NR be directed to fully review all of the options available to it in relation to engineering access on NW9005 and consult thoroughly the various scenarios available, informed by transparent analysis.

(c) Given the size and severity of the inevitable adverse impact, that exceptional circumstances have occurred in this instance and that the Panel has the power to substitute an alternative decision in place of the challenged decision of NR.

(d) On this basis, the additional NW9005 overnight cyclical possessions (1 week in 6), first published in the 2023 EAS, are to be removed immediately and substituted with the existing possession strategy on this route (as published in the 2022 EAS), pending a thorough review and re-proposal by NR.

7 APPENDICES

1. Dispute Notices

- 1.1. GBRf Notice of Dispute
- 1.2. Registration of the Dispute as TTP 2004
- 1.3. Withdrawal from dispute of multiple LNW South Section 4 possessions and two LNW North Section 5 possessions
- 1.4. Withdrawal from dispute of two LNW North Section 7 possessions

2. NR 2023 NR Publications

- 2.1. NW9005 2023 Section 4 Possessions
- 2.2. NW9005 2023 Section 5 Possessions
- 2.3. NW9001 2023 Section 5 Possessions

3. GBRf 2023 EAS Response

- 3.1. GBRf formal response to Version 1 of the 2023 EAS
- 3.2. NR reply to GBRf's formal response to Version 1 of the 2023 EAS
- 3.3. GBRf formal response to Version 2 of the 2023 EAS

4. Correspondence & Meeting Notes

- 4.1. Invite to NR Peak District – Additional Access Call
- 4.2. GBRf Request for notes from 4th November 2021 Meeting

5. Supporting Documentation

- 5.1. 2023 EAS Issuing Timescales
- 5.2. Map illustrating the route of NW9005
- 5.3. Section 7 of the National Timetable Planning Rules – Access Impact Matrix
- 5.4. Network Code Conditions D2.2.8, D6.4.1 and D5
- 5.5. Network Code Condition D4.6
- 5.6. Extract from ORR Freight Rail Usage and Performance – October to December 2021

8 SIGNATURE

For and on behalf of GB Railfreight Limited



Signed

Jack Eagling
Head of Timetabling & LTP Traincrew Planning

