***TTP 2090***

***Network Rail Infrastructure Limited Sole Reference Document***

1. **DETAILS OF PARTIES**
   1. The names and addresses of the parties to the reference are as follows:-
      1. GB Railfreight Limited (Company No. 03118392). Whose Registered Office is at 55 Old Broad Street, London, EC2M 1RX (“GBRf”) (“the claimant”); and
      2. Network Rail Infrastructure Limitedwhose Registered Office is at 1 Eversholt Street, London NW1 2DNNetwork Rail ("the Defendant")).
2. **CONTENTS OF THIS DOCUMENT**

This response to the Claimant’s Sole Reference includes:-

* + 1. 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.
    2. 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.
    3. Any further related issues not raised by the Claimant but which the Defendant considers fall to be determined as part of the dispute;
    4. The decisions of principle sought from the Panel in respect of
       1. legal entitlement, and
       2. remedies;
    5. Appendices and other supporting material.

1. **SUBJECT MATTER OF DISPUTE**

Network Rail does not dispute GBRf’s right to bring this dispute in accordance with condition 5 of Network Code.

Network Rail confirms that the dispute relates to Network Rails Decision to publish changes to the following Timetable Planning Rules (TPR):

* 2023 Anglia TPR, Version 3 (and subsequent versions)
* 2023 Anglia TPR, Version 4

The nature of the dispute, as listed in Section 4 of GBRf’s sole reference document relates to the inclusion of Infrastructure Monitoring at a frequency of running less than 1 in 13 weeks; change of explanatory note at March South; power supply issues at Barking; a junction margin at Stratford; two junction margins at Ilford; a junction margin at Shenfield; a junction margin at Harlow Mill Freight Yard; and a planning note at Canonbury West Junction.

GBRf’s have disputed five historical items that have been established in the TPRs and, in some cases the New Working Timetable (NWTT). Network Rail considers that if these had been of particular importance to GBRf’s business that these would have been subject to a dispute and a Timetable Panel Hearing prior to now. Network Rail note that GBRf’s V4 response to the May 23 TPRs lists a number of historic and new challenges (Appendix A), many of which have not been bought forward to hearing in TTP2090.

The Timetable Panel Hearing for TTP2090 was arranged to seek resolution to all TPR matters subject to a holding dispute by GBRf. Network Rail’s view is that once this dispute has been heard, all items that have been subject to a holding dispute are considered as settled and not contested in future GBRf responses to TPR publications. Network Rail would consider changes to the infrastructure, new evidence being presented, or alternative counter proposals being provided as new response items.

1. **EXPLANATION FROM THE DEFENDANT’S PERSPECTIVE OF EACH ISSUE IN DISPUTE**
   1. **Issues where the Defendant Accepts the Claimant’s Case**

**4.1.1** Network Rail accepts GBRf’s dispute regarding the planning note at March South. Confirmation was received from the Local Operations Manager (LOM) for March South that there are four levers for the signals mentioned on the signalling diagram and they are for the various routes that can be set for that signal. Signals MS13; MS21 and MS23 were originally removed from the TPRs because 19 pts had been out of use for over two years, this was confirmed by the LOM. However, as this set of points is still shown in the Sectional Appendix, Network Rail has relisted Signals MS13; MS21 and MS23 in V1 of the 2024 rules.

**4.1.2** Network Rail agrees with GBRf that the Electrical Supply Restrictions for the power supply at Barking require further review and should be removed from the TPRs until clarification is obtained on the detail of the restriction.

**4.1.4** Network Rail accepts GBRf’s dispute that the junction margin proposed for Stratford (first move down passenger depart platform 10, second move down freight pass platform 10a from Hackney Wick, if not being held at L295), is not required. Headway at Maryland should apply.

**4.1.5** Network Rail accepts GBRf’s dispute that the two highlighted junction margins proposed on for Ilford are not required. GBRf has confirmed that there is no difference in line speeds on the Down Avoiding line and Down Electric line. Headway at Ilford should apply.

**4.1.6** Network Rail accepts GBRf’s dispute that more analysis needs to be undertaken to consider the mixed traffic and establish the time required between consecutive arrivals at Harlow Mill Freight Yard.

**4.1.7** Network Rail accepts GBRf’s argument that the wording of the planning note for Canonbury West Junction is currently ambiguous and that it should state that you can only have one train between Canonbury West Junction and Highbury Vale Junction in either direction.

**4.2 Issues where the Defendant qualifies or refutes the Claimant’s Case**

**4.2.1** Network Rail does not agree with GBRf that the Infrastructure Monitoring (IM) trains running less than 1-in-13 thirteen weeks should be removed from the National TPRs. Since hearing TTP1069, Network Rail have updated the tables to clearly show the frequency of running, start date, and for 2024 Version 2, the weeks that these paths will run.

Network Rail lists all the IM trains in the National TPR document. These are split into two tables. The first table is those that run at a frequency of more than 1-in-13 weeks (ie. 1-in-4). This is listed as those paths that have ‘firm rights’. The second table are those services that run at a frequency of less than 1-in-13 weeks (ie. 1-in-24, or ‘as required’). These are clearly labelled as needing a resolution if they conflict with freight or passenger services (Appendix A).

The inclusion of IM trains in the New Working Timetable (NWTT) reduces the need for red zone working; Possession Planning teams have visibility of IM trains and can plan possessions accordingly; and, trains that operate to maintain safety of the network and provide compliance assurance are not planned at short notice (where capacity is reduced).

**4.2.2** Network Rail does not accept GBRf’s argument that the Junction Margin rule at Shenfield was not properly determined before publishing. Actions listed in the TPR Forum minutes from the 15th January 2020 (Appendix B) show it was determined that the junction margin should be modelled in RailSys. Subsequent TPR Forum minutes from the 12th March 2020 (Appendix C) show that RailSys modelling was carried out to determine the value and details were then discussed at the forum prior to the value being established in V4 of the 2020 rules.

**4.2.3** Network Rail does not agree with GBRf’s argument that the restriction at Harlow Mill Freight Yard should be removed completely. Network Rail maintains the view that methods of working need to reflected in the TPRs and for Harlow Mill Freight Yard there is a restriction that states that you cannot have more than one train in each terminal, in order to prevent planning errors.

**4.2.4** Network Rail does not agree that the planning note listed for Canonbury West Junction should be removed. Canonbury West Junction is a handover point to LN110 on the LNE route. There is no other restriction listed in the Anglia Timetable Planning Rules that describes how to plan trains through this handover point. Primarily the note aids planners in understanding the operational restrictions, it also does not change the capability of the network.

1. **DECISION SOUGHT FROM THE PANEL**
   1. Network Rail requests that the panel should uphold the decisions for Network Rail to:
      * 1. Include IM trains that run less than once in every thirteen weeks in the National TPRs
        2. Include the disputed junction margin at Shenfield in the Anglia TPRs
        3. Work collaboratively with GBRf, and other Timetable Participants to introduce revised rules for Electrical Supply Restrictions at Barking and arrivals at Harlow Mill Freight Yard for future versions of the TPRs
        4. Revise the wording of the planning note at Canonbury West Jn
        5. Confirm that any items not bought forward by GBRf in TTP2090 can no longer be subject to a holding dispute and that any challenges documented by GBRf prior to V4 of the 2023 TPRs and not specifically raised or resolved as part of this TTP should hereby also be considered resolved
2. **APPENDICES**

The following appendices are attached separately:

Appendix A – GBRf response to 2023 TPR v4.0.docx

Appendix B – Anglia TPR Forum Minutes 15-01-2020

Appendix C - Anglia TPR Forum Minutes 12-03-2020 Full.doc

**7 SIGNATURE**

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| For and on behalf of  *Network Rail Infrastructure Limited*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signed    -----------------------------------------------------------  Print Name  Hazel Chalk  Position  Operational Planning Manager  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |