

The Panel would like by **4 PM on 18 October 2024** GWR to briefly confirm:

- (1) Whether the underlying factual basis for these references differs materially from the matters considered in one or more of the Earlier Determinations in GWR's reasonable view, and, if so, on what basis; **GWR: 1: This Restriction of Use concerns four days over Easter as opposed to a one day (a normal Sunday) and within this GWR is not contesting the Sunday decision. Previous disputes have looked at the Sunday standard two track provision and GWR is not here considering that at all; 2: The demand pattern is fundamentally different from before, so much so that NR instigated a separate set of meeting to discuss; The Base Timetable is different in that it involves two bank holidays, a Saturday as well as a Sunday, and on at least three of those four days an enhanced or reduced service would have been specified to meet demand if there was an open railway; 3: comprehensive demand data has been published and was available to Network Rail at the time it interpreted the Decision Objective and its Criteria to publish its Decision; 4: The Restriction of Use applies to the Relief Lines; 5: GWR seeks Exceptional Circumstance status; 6: GWR was not a dispute party in TTP2207; and 7: MTR was a dispute party as Claimant in the Hearing for TTP2243 etc.;**
- (2) In particular, whether GWR contends that there is material new factual information on which it wishes to rely which was not before the Panel which heard references TTP2453, 2454, 2455, and 2456; **GWR: a: The demand pattern is totally different from a standard Sunday. Good Friday is extremely busy in the morning. It follows the busiest InterCity day of the year, Maundy Thursday and is its overflow. easter Day is the lightest InterCity day of the year unlike a standard Sunday. The Saturday between the two has busy periods and the Bank Holiday on the Monday of the holiday period is very busy in the afternoon; b: Comprehensive hour by hour Demand for all these days has been provided and was available to Network Rail at the time of decision. This included GWR data but that of other operators was also available to Network Rail. Network Rail publicly ignored this data stating the cap on paths was sacrosanct and the data was useful only for distribution within the cap to operators. c: This a restriction of use of the relief lines as opposed to of the main lines. A number of local stations do not have main line platforms;**
- (3) Whether GWR wishes to say anything materially different on these references from its previous submissions about NR's application of the Decision Criteria and/or its allocation of capacity during the two-track possession; **GWR: i: There are now clear signs from the demand data that in certain hours demand outstrips NR's allocation of supply. GWR is willing to allocate resource to meet the varying markets' demand over the different periods of the day and over the different days, but even then there are hours where the cap must be punctured to move custom in a market retaining manner; ii: This is unique to four days of the year and has a smaller effect on yearly punctuality figures than a number of Sundays has.**
- (4) On what basis (taking into account the decisions reached in the Earlier Determinations) GWR contends that it would be appropriate to increase capacity during the two-track possession; **GWR: The demand data is comprehensive, follows a different pattern from previous disputes, and at times has different peaks for GWR than for other train operators, GWR will reduce where feasible to aid other operators or to aid performance; GWR will bespoke its timetable including destination and calling pattern to maximise efficiency and effectiveness; and**
- (5) Why GWR assesses in all the circumstances that it would be proportionate for these references to proceed to a hearing before the Panel **GWR: This is a unique circumstance, the restriction of use applies for a much longer time continuously, the demand pattern is different thus is the opportunity and the risk, the data available at the time of decision was of a different calibre from before; the restriction of use is different thus the number of stations able to be served is different; the ability exists for performance to be enhanced. Fundamentally this dispute does not involve a Sunday or a package of Sundays which subject was the specific element of dispute in the other**

referrals.