

Joint submission to Access Disputes

Panel or Timetabling Panel

By

Network Rail Limited

TTP References 306, 310, 312

1 DETAILS OF PARTIES

1.1 The names and addresses of the parties to the reference are as follows:-

- (a) NR Infrastructure Ltd, whose Registered Office is at Kings Place, 90 York Way, London, N1 9AG ("NR" ("the Respondent"))

Contact Details

Correspondence to NR should be addressed to Joe Warr, Senior Network Access Planner, Network Rail, Network Access Unit, City Exchange, 11 Albion Street, LEEDS, Tel: 0113 341 2242, Fax: 0113 341 2341, [REDACTED] Email: [REDACTED]
[REDACTED]

2 THE PARTIES' RIGHT TO BRING THIS REFERENCE

2.1 This matter is referred to a Timetabling Panel ("the Panel") for determination in accordance with Condition D2.2.4 and D 5 of the Network Code.

3 CONTENTS OF REFERENCE

- (a) The subject matter of the dispute in Section 4;
- (b) A summary of the issues in dispute in Section 5;
- (c) A detailed response from the respondent(s) in Section 6;
- (d) Any further issues raised by the respondent in Section 7;
- (e) The decisions of principle sought from the Panel in respect of legal entitlement and remedies in Section 8; and
- (f) Appendices and other supporting material.

4 SUBJECT MATTER OF DISPUTE

4.1 Network Rail has consulted affected Train / Freight Operating Companies (TOCs / FOCs) on a Project Strategy Notice (PSN-MA-012, henceforward referred to as 'the PSN') which contains details of the disruptive engineering access plan to deliver the

Water Orton resignalling project. The PSN Proposal was issued to TOCs / FOCs on 10/07/2009 and the PSN Decision was published on 11/09/2009, following a process of formal and informal consultation with TOCs/FOCs both before and after publication of the PSN Proposal. The possessions contained in the PSN will enable Network Rail to resignal the routes between the following locations:

- Grand Jn and Wichnor Jn (Birmingham-Derby route)
- Water Orton East Jn and Abbey Jn (Birmingham-Nuneaton route)
- Landor St Jn and Lifford East Jn (Washwood Heath / Birmingham New St to Kings Norton route)
- Water Orton West Jn and Aldridge (Water Orton – Walsall ('Sutton Park') route)

The project is part of the wider West Midlands Resignalling project, which encompasses the progressive transfer of signalling control in the West Midlands area to the new West Midlands Signalling Centre at Saltley.

- 4.2 The signalling renewals programme is driven by the condition of the signalling asset. In overall terms the signalling equipment in the control area described above has reached the end of its asset life. This affects four main areas: wire degradation within the interlocking and lineside equipment; reed transmission equipment; presence of metal-based relays required to be removed from the infrastructure under SIN100 and signalling structures which require life extension works.
- 4.3 If Network Rail does not carry out the proposed signalling renewals, Network Rail will not meet the requirements of Signalling Instruction Notice (SIN) 100. SIN100 requires Network Rail to remove M-Style relays from its infrastructure by December 2010. In order to obtain a relaxation of this requirement, Network Rail has implemented a special maintenance regime for these relays and has committed to replacing them by delivering the Water Orton Resignalling Project. Network Rail continues to monitor signalling failures and if these increase as the asset deteriorates over time, it is likely that there will be an adverse impact on train performance on the route.
- 4.4 The project contains elements of both like-for-like renewal and enhancement, as detailed below:

Like-for-like renewals:

- Installation of new signalling equipment on all routes mentioned in 4.1 except for the enhancements specifically referred to below.
- This will involve the installation of computer-based interlocking with VDU-based signalling control transferred to the West Midlands Signalling Centre.

Enhancements:

- Nuneaton to Whitacre Jn – capacity improvement through provision of 4 aspect signalling. This will give a planning headway of 3 minutes as opposed to the current 5 minutes.
- Sutton Park route – capacity improvement through provision of 3 aspect signaling. This will give a planning headway of 5 minutes as opposed to the current 10 minutes.
- Park Lane Jn remodelling – this will provide additional capacity through increased line speed and the doubling of Park Lane Jn
- Lawley St Freightliner Terminal – resiting of signals and recontrol of points, together with an element of track remodelling to allow FLIM to run longer trains.
- Daw Mill Ground Frame – conversion of ground frame to signalled, power operated points – anticipated benefits are faster egress of trains from Daw Mill Colliery, elimination of the requirement for a member of freight operator ground staff to operate the ground frame and improved infrastructure reliability.

5 SUMMARY OF DISPUTE

- 5.1 FLIM (TTP306). No access to Birch Coppice freight terminal during the phase 1 commissioning possession planned for week 35 (TTY 2011), between Wichnor Jn / Nuneaton North Jn and Castle Bromwich Jn 2350 Fri 25/11/2011 to 0600 Mon 28/11/2011.
- 5.2 CrossCountry (TTP310). Network Rail's inappropriate application of the Decision Criteria in regard to the ability of CrossCountry to comply with its service level

commitment to the DfT (SLC2) and the potentially damaging affect on CrossCountry's business of the disruptive engineering access planned for the Water Orton resignalling project together with other disruptive engineering access proposals affecting the six CrossCountry service groups which operate through the Water Orton area.

The availability of the route between Lichfield and Wichnor Jn via Alrewas L.C at weekends (South Staffs route), to enable CrossCountry to divert services to support the retention of route knowledge for Leeds-based traincrew.

- 5.3 GBRf (TTP312), consultation of the Water Orton PSN and the phase 1 commissioning possession planned for week 35, Wichnor Jn /Nuneaton North Jn to Castle Bromwich Jn 2350 Fri 25/11/2011 to 0600 Mon 28/11/2011.

The method of implementation and lack of consultation of the Water Orton PSN in GBRf opinion contravenes the rules set out in the Network Code condition D.2.

6 EXPLANATION OF EACH ISSUE IN DISPUTE WITH RESPONSE

6.1 TT306 - Response by Respondent.

- 6.1.1 Freightliner Ltd (henceforth referred to as 'FLIM') is disputing Network Rail's PSN Decision in respect of the access in week 35 2011 (Fri 25/11/2011 to Mon 28/11/2011):

- MD501/MD545/MD555 Wichnor Jn Exc/Nuneaton Station Platforms 6 & 7 (Exc) including Birmingham Chord to Water Orton West Jn (Exc) blocked 2350 Fri to 0600 Mon (54 hours).
- Including: Nuneaton Area All blocked (T1A.4) during No Booked Service period Sat/Sun. Fringe details: MD101 Brinklow to Polesworth (2340 Sat to 0825 Sun) & MD232 Platforms 6 & 7 inc to Hinkley Exc (NBS is 2340 Sat to 0825 Sun) & MD410 Hawkesbury Lane Jn to Nuneaton South Jn (2340 Sat to 0825 Sun) & MD555 Nuneaton North Jn to Abbey Jn Birmingham Chord.
- Including: MD560/MD565 Water Orton West to Rycroft Jn Exc 1900 Sat to 1900 Sun (ROTR Times).
- Including: MD501 Water Orton East to Duddeston Jn 2340 Sat to 0815 Sun (ROTR Times).
- Including: MD501/MD340 Wichnor Inc 0010 Sun to 0810 Sun T1A.4 (ROTR

Times).

- Including: MD101 Sunday / Monday 4 hours T1A4 signalling disconnection Nuneaton Fringe affecting Nuneaton West Coast Area, (in between trains).

This access was originally discussed as being dated in August 2011 Bank Holiday, however following informal discussions with passenger operators it was moved to week 31. Following further dialogue it was then moved to week 35 in order to miss the Autumn school half-term. Although the week 35 possession has not changed since the issue of the PSN Proposal, Network Rail has significantly changed the Stage 1 precommissioning possessions in week 34 2011 (Fri 18/11/2011 to Fri 25/11/2011):

- The week 34 weekend access was originally tabled as being of 53 hours duration: Water Orton East Jn/Whitacre Jn to Wichnor Jn blocked 2350 Fri to 0500 Mon
- Following operator consultations before the PSN Proposal this access was cut back to 1120 Sat to 0500 Mon (42 hours).
- Following a further review of the access as a result of the operator responses to the PSN decision, the week 34 weekend access was further reduced to 1900 Sat to 0500 Mon, a reduction of 7 hours 40 minutes.
- The midweek week 34 restriction of use between Kingsbury Jn and Whitacre Jn on the Slow lines was proposed to be a complete T3 possession throughout week 34 in the PSN Proposal.
- Following strong representations from freight operators, especially FLIM and GBRf which run W10 gauge container trains which can only be routed via the Slow lines, this access was converted to a restriction of use with limited capacity made available through Temporary Block Working.
- Once Network Rail had taken the PSN Decision operator responses into account, the the week 34 midweek access on the Slow lines was completely **withdrawn**, thus avoiding the restriction imposed by Temporary Block Working and the diversion of freight services via the Fast Lines (an already congested portion of railway).
- These changes were made possible by moving all the Stage 1 Commissioning work into week 35
- These changes were advised to TOCs/FOCs in a document issued on 2/12/09.

The work content of the week 35 weekend possession (Stage 1 Commissioning) is as follows:

- Commissioning of new signalling between Water Orton East and Wichnor Jn / Abbey Jn, Whitacre Jn – Kingsbury Jn including:
 - Erection of new signalling structures where these cannot be staged in advance
 - Changeover of equipment where structures have been staged in advance
 - Track Circuit changeovers
 - Point operating equipment changeovers
 - Conversion of ground frame to motorised operation
 - Commission new signalling, power and transmission systems
 - Testing of all equipment changed over during commissioning
 - Testing of all equipment that cannot be pre-tested in advance
 - Final modification and testing of fringes
 - Cutting back of Reed transmission system
 - Decommissioning of key structures
- The work involves changing 86 signals, 17 point ends, 151 track circuits, 5 fringe commissionings, and 41 critical recoveries of signal structures (see Appendix 'A' for more details of the equipment involved in each commissioning).

6.1.2 In response to FLIM's dispute document paragraph 5.3 & 5.4: Network Rail has considered at some length whether it can accommodate FLIM's alternative proposal to allow access into Birch Coppice up to 1000 Sat, either by postponing the start of the possession in its entirety or by allowing the trains to access Birch Coppice with the signalling out of use by implementing a special method of working. The key constraint here is the timing of the fringe commissionings, for example locations such as Grand Jn (fringe to Birmingham New St PSB) and Nuneaton (fringe to Rugby SCC) must be commissioned during the Sat-Sun No Train Period otherwise the number of trains disrupted by the commissioning increases significantly. In order to carry out the fringe commissionings during the least disruptive period, a number of installation and decommissioning tasks must be completed first. Network Rail's conclusions on this matter are as follows:

a) *Postponing the start of the possession to 1000 Sat:* this would require a complete revision of the commissioning strategy and a reversal of the changes for week 34 advised to TOCs/FOCs on 2/12/09. Due to the amount of installation and decommissioning work required from the start of the possession, a 10 hour later start translates into a 10 hour later finish and the rescheduling of the fringe commissioning to Sunday afternoon. It is Network Rail's opinion that this would cause additional unacceptable disruption to train services in the West Midlands area and would not be a correct application of the Decision Criteria. A 1000 Saturday start with the constraint of finishing at 0600 Monday would force Network Rail to further review the commissioning strategy and repropose additional disruption to week 34, including extending the weekend access and reinstating the midweek Temporary Block Working originally proposed between Kingsbury Jn and Whitacre Jn on the Slow lines.

b) *Implementing a special method of degraded working to allow trains into Birch Coppice up to 1000 Sat:* this would again risk the deliverability of the week 35 commissionings as access is required to the track from the start of the possession both for Road/Rail vehicles used to remove signalling structures and teams required to remove or disable critical signalling equipment which must be decommissioned to allow the new signalling to function (for example there are 148 Insulated Block Joints to recover or bond out which otherwise would prevent the new track circuits from working) If the first 10 hours of the access had to make provision for FLIM services to run on the Fast Lines (to allow Birch Coppice access from the Birmingham direction), insufficient work would be carried out due to the inability to get machines onto the Fast lines, therefore the overall programme of works in the possession would slip. As a consequence, the wheels-free testing element during the Sat/Sun NBS on the fringes of the new control area would have to be postponed to Sunday daytime.

- 6.1.3 Network Rail has been reviewing its access proposals for week 34 and 35 2011 throughout the PSN consultation process and has made a number of changes to the access plan at the request of Operators. The PSN Decision was published with an 1120 Sat start (originally 2350 Fri) in week 34. This was objected to principally by CrossCountry and London Midland, as being highly disruptive because a train service would have to be started which would then have to be suspended and replaced with a bus operation. As a result of these objections this possession was cut back to a 1900

Saturday start after the issue of the PSN Decision. Freight Operators objected to the midweek access proposed between Kingsbury Jn and Whitacre Jn. In the PSN Proposal this was a complete block of the Slow lines, as described in 6.1.1 above. Had this complete block taken place, 85 WTT services would have been affected (12 passenger or NR, 73 freight. Of these 56 trains cannot be diverted via the Fast lines either because they convey W10 gauge container traffic or because there would be insufficient capacity. Please see Appendix 'B' for more details). This access was reduced in scope to Temporary Block Working for the PSN Decision and has now been removed altogether. To facilitate these easements for customers to the original access proposed in week 34, Network Rail altered the Stage 1 Commissioning plan from being staged over 2 weekends to being staged in a single weekend in week 35 and rescheduled other elements of the work programme.

- 6.1.4 In response to FLIM para 5.5: Network Rail's original commissioning strategy envisaged carrying out the Stage 1 Commissioning during the August 2011 Bank Holiday. However Network Rail moved away from this strategy at the request of passenger operators due to the excessive levels of disruption this would impose during the Summer, traditionally a busy period for TOCs. It must be borne in mind that it would not simply have been the week 35 commissioning which would have taken place in August, all the other associated precommissioning access would have to be dated during the Summer (5 weeks of 28 hour possessions together with 1 week of 41 hour access and a week of Temporary Block Working over the Slow lines). Network Rail's revised proposal envisaged the Stage 1 commissioning taking place during the Autumn school half-term (week 30/31), but in the event this was postponed to weeks 34 and 35 in order to reduce the impact of the precommissioning access in the late Summer.
- 6.1.5 In response to FLIM para 5.6: Network Rail disagrees with FLIM's assertion that the dating of this scheme is not critical. Major commissionings have to be planned carefully on a national basis due to the scarcity of signalling contractor resources and the demands of the various schemes on signalling records and fit within wider programmes such as the West Midlands resignalling. Water Orton is a high-priority scheme due to the condition of the signalling assets. Equally it is not possible to plan all major disruption on Bank Holidays from both a resourcing point of view and in terms

of TOC/FOC disruption. Bank Holiday access is critical on LNW due to the EEA access constraints on the West Coast Main Line. However Network Rail's emerging strategy is to reduce the impact of Bank Holiday disruption as our key customers, funders and stakeholders drive us to respond to societal changes and cater for what is currently a suppressed market for rail travel on Bank Holidays. This is not restricted to passenger operators; FOCs including FLIM frequently advise that they consider Good Friday and Bank Holiday Mondays as virtually normal working days.

- 6.1.6 In response to FLIM para 5.6: as late as November 2009 Network Rail was still attempting to discuss with FLIM possible changes that would resolve their dispute and sought to explore an alternative dating of the Stage 1 Commissioning. It was originally suggested by CrossCountry that January 2012 might suit both passenger and freight operators. Network Rail then undertook to explore this suggestion internally and it was during the course of these discussions that Network Rail approached representatives of FLIM to ask if a January 2012 date would resolve FLIM's dispute. At this stage FLIM representatives rejected the assertion that container traffic was lighter in January and commented that FLIM's customer contracts referred only to the operation of train services and not the traffic being carried. Subsequently FLIM advised that a January date for the Phase 1 Commissioning would in fact be acceptable, as detailed in paragraph 5.6 of their dispute paper. However, by this time (early December 2009) the Network Rail signalling project team had fully reviewed the proposal and they advised that moving the Stage 1 Commissioning to January 2012 would import excessive risk to the Stage 2 Commissioning at Easter 2012.
- 6.1.7 In response to FLIM para 5.7: Network Rail was only made aware that the end of November was the busiest time of year for Freightliner traffic during discussions about redating the Stage 1 Commissioning to January. At no point previously had FLIM mentioned this to Network Rail and it is not contained in their responses to the PSN Proposal.
- 6.1.8 In response to FLIM para 5.9 & 6.1.1: In connection with the week 35 access, Network Rail is not aware that any discussion has yet taken place about the possibility of using an alternative terminal for transshipment and onward forwarding of the containers by road. FOCs now have an enhanced compensation regime which may help fund

FLIM's additional road transport costs yet FLIM has not appeared willing so far to discuss this matter. Equally, although FLIM states that it is not possible to divert any additional traffic into its terminal at Lawley St, it has not demonstrated that this is the case. Network Rail confirms that access to Lawley St is available throughout the weekend of week 35 2011.

6.1.9 In response to FLIM para 5.8: Network Rail's application of the Decision Criteria in Network Code Part D, D6 is outlined in the table below:

Decision Criterion	Evidence	NR Opinion	Weighting
(a) sharing the capacity, and securing the development, of the Network for the carriage of passengers and goods in the most efficient and economical manner in the interests of all users of railway services having regard, in particular, to safety, the effect on the environment of the provision of railway services and the proper maintenance, improvement and enlargement of the Network;	<ul style="list-style-type: none"> NR has worked throughout to deliver works & minimise impact on operators. Easements for Stage 1 Commissioning Reduction to 28 hours in Period C 2011 Dating of work away from Summer Asset condition driving timely delivery of work Prioritised the operation of a full SX timetable during midweek week 34 over the 3 Hams Hall GBRf and 4 Birch Coppice FLIM services on Saturday of week 35. 	It is in the best interests of all users of the route to carry out the Stage 1 Commissioning in a single weekend.	In NR's favour.
(b) seeking consistency with any current Route Utilisation Strategy which is either (i) published by the Strategic Rail Authority or the Department for Transport before 31 May 2006, or (ii) established by Network Rail in accordance with its Network Licence	No evidence	N/A	N/A
(c) enabling a Bidder to comply with any contract to which it is party (including any contracts with their customers and, in the case of a Bidder who is a franchisee or franchise operator, including the franchise agreement to which it is a party), in each case to the extent that Network Rail is aware or has been informed of such contracts	<ul style="list-style-type: none"> NR worked to minimise the overall impact on FLIM's services NR is now in receipt of details of FLIM's customer contracts NR decision to not allow 4 key FLIM services to access Birch Coppice in week 35 	In overall terms NR has balanced its application of the Decision Criteria to impact on the lowest number of services.	in FLIM's favour
(d) maintaining and improving the levels of service reliability	<ul style="list-style-type: none"> Delivery of project safeguards route against loss of reliability Project gives benefits of modern infrastructure to improve reliability 	Implementing the scheme brings both enhancements to the infrastructure and improved reliability.	In NR's favour.
(e) maintaining, renewing and carrying out other necessary work on or in relation to the Network	<ul style="list-style-type: none"> Delivery of project discharges signalling safety requirements Old equipment with wrongside failure risk is removed 	NR is required to replace life-expired equipment in line with the requirements of SIN100.	In NR's favour.

Decision Criterion	Evidence	NR Opinion	Weighting
(f) maintaining and improving connections between railway passenger services	N/A	N/A	N/A
(g) avoiding material deterioration of the service patterns of operators of trains (namely the train departure and arrival frequencies, stopping patterns, intervals between departures and journey times) which those operators possess at the time of the application of these criteria	<ul style="list-style-type: none"> NR has chosen to affect 4 FLIM services in week 35, this is not a material deterioration FLIM has unhindered access to other terminals and has opportunity to run additional services to make good the shortfall in week 35 	Affecting FLIM's services on the Saturday of week 35 does not constitute a material deterioration.	In NR's favour.
(h) ensuring that, where the demand of passengers to travel between two points is evenly spread over a given period, the overall pattern of rail services should be similarly spread over that period	None	N/A	N/A
(i) ensuring that where practicable appropriate provision is made for reservation of capacity to meet the needs of Bidders whose businesses require short term flexibility where there is a reasonable likelihood that this capacity will be utilised during the currency of the timetable in question	No evidence	N/A	N/A
(j) enabling operators of trains to utilise their railway assets efficiently and avoiding having to increase the numbers of railway assets which the operators require to maintain their service patterns	No evidence	N/A	N/A
(k) facilitating new commercial opportunities, including promoting competition in final markets and ensuring reasonable access to the Network by new operators of trains	<ul style="list-style-type: none"> Additional capacity will enable additional freight services to run. 	Although the week 35 2011 access affects FLIM and GBRI's business in that week, NR is creating additional capacity for future freight business.	In FLIM's favour
(l) avoiding wherever practicable frequent timetable changes, in particular for railway passenger services	<ul style="list-style-type: none"> NR has worked to plan access in WTT period blocks wherever possible NR has standardised start and finish times wherever possible The number of non-standard weekends has been kept to a minimum 	As far as this applies to FLIM, NR has endeavoured to minimise the number of changes to FLIM's timetable.	In NR's favour.
(m) encouraging the efficient use of capacity by considering a Bidder's previous level of utilisation of Train Slots	No evidence	N/A	N/A
(n) avoiding, unless absolutely necessary, changes to provisional International Paths following issue of the applicable Rules of the Plan	No evidence	N/A	N/A

Decision Criterion	Evidence	NR Opinion	Weighting
(o) taking into account the commercial interests of Network Rail and existing and potential operators of trains in a manner compatible with the foregoing	<ul style="list-style-type: none"> Given the requirements to deliver the project and its safety & reliability benefits, NR has considered FLIM's commercial requirements as far as possible. 	Network Rail's and Operators' commercial interests are balanced.	In NR's favour.

6.2 TT310 - Response by Respondent.

- 6.2.1 In response to CrossCountry para 4.1, 4.2 & 4.6: Network Rail's 2011 engineering access plan is still a formal proposal in contractual terms and Network Rail has not yet made or published a firm decision on any of the possessions planned in the 2011 timetable year apart from those possessions required for the Water Orton resignalling project published in the PSN Decision. In light of its customers' Rules of the Route consultation responses Network Rail is currently reviewing its proposed possessions on the route between Birmingham and Newcastle in order to make the level of access more acceptable to customers. We are still in a negotiation phase and it is somewhat unexpected to find access on which no formal decision has been issued included in a formal access dispute. However, we recognise the concerns of CrossCountry and other customers. We particularly recognise the impact of the Water Orton resignalling access on CrossCountry services and that is why we opened discussions on this access as early as possible (the first discussions on the Water Orton project took place in 2007; the first meeting to discuss access for this scheme was held on 2nd March 2009).
- 6.2.2 Network Rail continues to work with CrossCountry to understand what level of engineering access it deems reasonable. Whilst we recognise the importance of CrossCountry's SLC2 commitments, it is difficult to ensure that there is no disruption to any of CrossCountry's services on a given Sunday given the extent and diversity of the routes over which CrossCountry operates. CrossCountry's SLC2 is an arrangement between CrossCountry and the DfT. It is not a contractual arrangement between Network Rail and CrossCountry. Network Rail seeks to support CrossCountry in delivering its SLC2 commitments as far as possible within the framework of CrossCountry's Track Access Agreement and the applicable Rules of the Route and Rules of the Plan. CrossCountry's SLC2 does not remove Network Rail's right under the Network Code Part D to propose disruption to services specified in the SLC2. In April 2009 CrossCountry provided Network Rail with a 'Rules of the Revenue' document which is a useful guide to the level of service disruption CrossCountry would like Network Rail to plan for. Network Rail has endeavoured to adopt the planning principles in this document in producing the 2011 access plan. On a number of Sundays the first few CrossCountry services are affected by double-disruption, due to the combined volume of renewals and maintenance work to be delivered in 2011. This

double-disruption is typically of 12hrs in duration and impacts on services when passenger numbers are at their lowest. If it is reasonable to plan this limited double-disruption, Network Rail is 86% compliant with the principle of only having a single occurrence of disruption all day Sunday between Birmingham and Leeds / Newcastle. (If Sundays are included when the first few services are affected by double-disruption, this figure is 58%). We have also worked to move towards 7 day railway principles early on the Oxford-Leamington-Tyseley route by moving to a strategy of doing work in a series of more 16 hour possessions rather than 27 hour possessions. CrossCountry have publicly supported Network Rail in this approach as it has brought immediate benefits in terms of reducing disruption in 2010 and 2011 to CrossCountry's key afternoon and Sunday evening traffic. Network Rail is funded to deliver this type of access strategy by the end of Control Period 4, however we have introduced it 2 years ahead of our regulatory commitment as we recognise the significance of this route to CrossCountry.

In Network Rail's opinion, measuring the disruptive impact of the possessions by totalling up the Sundays when CrossCountry are able to operate a full SLC2 Sunday timetable incorrectly represents the true picture of the disruptive engineering access plan.

6.2.3 In response to CrossCountry para 4.7, 5.2: Network Rail is currently in discussion with CrossCountry on the weekend availability of the South Staffs route via Airewas and Lichfield. Clearly it is not in the best interests of the industry to lose train crew route knowledge over this key diversionary route. CrossCountry is currently working on providing us with details of timings of services which require to be diverted in the May 2010 WTT and we will endeavour to make the route available to support any reasonable request. Network Rail will also be altering the Rules of the Route times in 2010 Version 4.2 and 2011 Version 2 in order to ensure that the Rules of the Route accurately represent Network Rail's maintenance needs over the route. This is likely to be in the order of a 7 hours 30 minutes block in the early hours of Sunday.

6.2.4 In response to CrossCountry para 5.1, & 5.3: from the outset Network Rail has recognised that the Water Orton resignalling project would cause significant disruption to CrossCountry. We have constantly striven to keep CrossCountry fully aware of our proposals and make changes to the access to benefit them. Despite this,

CrossCountry did not initially engage with Network Rail in discussing possible access strategies as its representatives stated at meetings that they did not favour the new scheme as it did not deliver the enhancements promised in the previous resignalling scheme on the route. To date, CrossCountry has not yet articulated what level of access it deems reasonable on the Birmingham-Leeds/Newcastle route. Please see Appendix 'C' for a summary of the access changes made in Operators' favour during the consultation process.

- 6.2.5 As indicated above, Network Rail recognises CrossCountry's concerns with the level of access published in the Water Orton PSN Decision when combined with its other 2011 access proposals on the route between Birmingham to Newcastle. We are currently engaged in a process to review this access and we are, for example evaluating what methods of special working we can adopt to make the Burton Leicester Jn S&C scheme in Summer 2011 less disruptive.
- 6.2.6 In response to CrossCountry para 5.4: Network Rail recognises CrossCountry's concerns about the overall level of disruption and its affect on passenger demand. Network Rail endeavours wherever possible to package work into WTT period blocks so that the public timetable matches the trainplan required for the engineering work and therefore passengers' expectations of available services are not artificially raised. However as a company we recognise the increasing importance of the weekend market. This is driving us towards the principles of the 7 day railway and Route Categorisation, as described in 7.1 below.
- 6.2.7 In response to CrossCountry para 6.1: In this paragraph CrossCountry have reviewed the 2011 V1 ROTR proposals and the Final Water Orton PSN and counted the occasions when they could operate their Sunday service which is outlined in their SLC2. As previously outlined in this paper due to the diversity of the CrossCountry services the constraint of operating each Sunday a full SLC2 compliant timetable for all of CrossCountry's service groups would make it difficult for Network Rail to deliver its required maintenance, renewal and enhancement works to the infrastructure which provide improved levels of service reliability.

- 6.2.8 The final Water Orton PSN and subsequent publication of the proposals in V1 Rules of the Route for the Dec 2010 timetable year have been in accordance with processes stipulated in the Network Code Part D, permitting Network Rail to propose changes. Network Rail has not proposed possessions which need CrossCountry to deviate away from 'main routes' or 'diversionary routes' which are listed in CrossCountry's Track Access Agreement.
- 6.2.9 The changes to the Rules of the Route for the Dec 2010 Timetable year are still to be confirmed, post publication of the V2 Rules of the Route the engineering access outlined in the Rules of the Route become Network Rail's firm rights for access to the infrastructure to deliver engineering activities and the reasonableness of the decisions is subject to appeal by the ADRR. These firm rights form the constraints within which the timetable must operate. Network Rail, in light of customer representations to the Preliminary Rules of the Route, is still reviewing the changes to these proposals.

The central issue of this dispute relates to the level of disruptive access for the Water Orton resignalling works in combination with other works which requires disruptive access across the CrossCountry network, and in Network Rail's view is in reality not about CrossCountry operating each Sunday a full SLC2 timetable but the reasonableness of the engineering access proposals and Network Rail's application of the decision criteria.

6.3 TT312 - Response by Respondent.

- 6.3.1 In response to GBrf para 5.1 and 6.1.1: Network Rail accepts that a formal response was not sent to Operators until 2/12/09. However throughout the consultation period a number of meetings and informal discussions took place and we do not accept GBRf's assertion that we have failed to comply with the provisions of Network Code part D. Specifically:

Network Code part D, clause D2.2.2. This requires Network Rail to invite the submission of comments from Operators on the PSN Proposal document and consult them on the access strategy ('the proposed method of implementation'). To this end Network Rail arranged a meeting to review PSN responses on 19th August 2009, to which GBRf's representative Ian Kapur was invited. He however declined to attend

this meeting and GBRf was not represented. Mr Kapur had also been invited to a meeting on 8th April 2009 to discuss the contents of the PSN proposal; again, GBRf were not represented at this meeting.

Network Code part D, clause D2.2.3 (b). This requires Network Rail to take into account comments submitted in response to the PSN Proposal and give reasons for any it has discounted. The access strategy in week 35 was discussed at the above-mentioned meeting on 19th August 2009 and the minutes (attached in Appendix 'D') clearly record that the reasons for requesting the published possession duration in week 35 were discussed at this meeting.

- 6.3.2 In response to GBRf para 6.1.2: In its response to the PSN Decision, GBRf states that it wishes Network Rail to allow access to Hams Hall until 0945 on the Saturday of week 35. As outlined in paragraph 6.1.2 of this submission, it is not possible to reduce the duration of the week 35 possession and deliver the Stage 1 Commissioning in a single weekend. This possession prevents GBRf from running 3 x W10 gauge trains into Hams Hall on the Saturday of week 35. Network Rail would like to explore with GBRf the possibility of retiming 4M02 to run into Hams Hall earlier thereby reducing the affect to 2 services; equally as far as Network Rail is aware, GBRf has not explored the possibility of using an alternative terminal for transshipment purposes.

6.3.3 In response to GBRf para 6.1.3 & 6.1.4: Network Rail's application of the Decision Criteria in Network Code Part D, D6 is outlined in the table below:

Decision Criterion	Evidence	NR Opinion	Weighting
(a) sharing the capacity, and securing the development, of the Network for the carriage of passengers and goods in the most efficient and economical manner in the interests of all users of railway services having regard, in particular, to safety, the effect on the environment of the provision of railway services and the proper maintenance, improvement and enlargement of the Network;	<ul style="list-style-type: none"> NR has worked throughout to deliver works & minimise impact on operators. Easements for Stage 1 Commissioning Reduction to 28 hours in Period C 2011 Dating of work away from Summer Asset condition driving timely delivery of work Prioritised the operation of a full SX timetable during midweek week 34 over the 3 Hams Hall GBRf and 4 Birch Coppice FLIM services on Saturday of week 35. 	It is in the best interests of all users of the route to carry out the Stage 1 Commissioning in a single weekend.	In NR's favour.
(b) seeking consistency with any current Route Utilisation Strategy which is either (i) published by the Strategic Rail Authority or the Department for Transport before 31 May 2006, or (ii) established by Network Rail in accordance with its Network Licence	No evidence	N/A	N/A
(c) enabling a Bidder to comply with any contract to which it is party (including any contracts with their customers and, in the case of a Bidder who is a franchisee or franchise operator, including the franchise agreement to which it is a party), in each case to the extent that Network Rail is aware or has been informed of such contracts	<ul style="list-style-type: none"> NR worked to minimise the overall impact on GBRf's services NR decision to not allow 2 key GBRf services to access Hams Hall in week 35 	In overall terms NR has balanced its application of the Decision Criteria to impact on the lowest number of services.	in GBRf's favour
(d) maintaining and improving the levels of service reliability	<ul style="list-style-type: none"> Delivery of project safeguards route against loss of reliability Project gives benefits of modern infrastructure to improve reliability 	Implementing the scheme brings both enhancements to the infrastructure and improved reliability.	In NR's favour.
(e) maintaining, renewing and carrying out other necessary work on or in relation to the Network	<ul style="list-style-type: none"> Delivery of project discharges signalling safety requirements Old equipment with wrongside failure risk is removed 	NR is required to replace life-expired equipment in line with the requirements of SIN100.	In NR's favour.
(f) maintaining and improving connections between railway passenger services	N/A	N/A	N/A

Decision Criterion	Evidence	NR Opinion	Weighting
(g) avoiding material deterioration of the service patterns of operators of trains (namely the train departure and arrival frequencies, stopping patterns, intervals between departures and journey times) which those operators possess at the time of the application of these criteria	<ul style="list-style-type: none"> NR has chosen to affect 2 GBRf services in week 35, this is not a material deterioration GBRf has unhindered access to other terminals and has opportunity to run additional services to make good the shortfall in week 35 	Affecting GBRf's services on the Saturday of week 35 does not constitute a material deterioration.	In NR's favour.
(h) ensuring that, where the demand of passengers to travel between two points is evenly spread over a given period, the overall pattern of rail services should be similarly spread over that period	None	N/A	N/A
(i) ensuring that where practicable appropriate provision is made for reservation of capacity to meet the needs of Bidders whose businesses require short term flexibility where there is a reasonable likelihood that this capacity will be utilised during the currency of the timetable in question	No evidence	N/A	N/A
(j) enabling operators of trains to utilise their railway assets efficiently and avoiding having to increase the numbers of railway assets which the operators require to maintain their service patterns	No evidence	N/A	N/A
(k) facilitating new commercial opportunities, including promoting competition in final markets and ensuring reasonable access to the Network by new operators of trains	<ul style="list-style-type: none"> Additional capacity will enable additional freight services to run. 	Although the week 35 2011 access affects FLIM and GBRf's business in that week, NR is creating additional capacity for future freight business.	In GBRf's favour
(l) avoiding wherever practicable frequent timetable changes, in particular for railway passenger services	<ul style="list-style-type: none"> NR has worked to plan access in WTT period blocks wherever possible NR has standardised start and finish times wherever possible The number of non-standard weekends has been kept to a minimum 	As far as this applies to GBRf, NR has endeavoured to minimise the number of changes to GBRf's timetable.	In NR's favour.
(m) encouraging the efficient use of capacity by considering a Bidder's previous level of utilisation of Train Slots	No evidence	N/A	N/A
(n) avoiding, unless absolutely necessary, changes to provisional International Paths following issue of the applicable Rules of the Plan	No evidence	N/A	N/A

Decision Criterion	Evidence	NR Opinion	Weighting
(o) taking into account the commercial interests of Network Rail and existing and potential operators of trains in a manner compatible with the foregoing	<ul style="list-style-type: none"> Given the requirements to deliver the project and its safety & reliability benefits, NR has considered GBRf's commercial requirements as far as possible. 	Network Rail's and Operators' commercial interests are balanced.	In NR's favour.

7 ANY FURTHER ISSUES RAISED

7.1 Network Rail remains committed to achieving the 37% improvement in network availability for passenger services which is a regulatory target with which the company must comply by the end of Control Period 4. The delivery plan to achieve this is more commonly known as the '7 Day Railway'. One of the underlying principles of the '7 Day Railway' engineering access strategies are to keep passengers off buses and on trains. The '7 Day Railway' engineering access plans are an emerging strategy developing throughout the control period strongly linked to the significant cost efficiency challenges for the way that we deliver engineering activities.

7.2 Supporting the emerging '7 Day Railway,' Network Rail in conjunction with ATOC have developed the concept of route categorisation. Network Rail has promised that wherever it can reasonably do so it will keep passengers on a train in preference to transferring them to a bus. Network Rail has committed to implementing the route categorisation on category 'A' routes in the plans that are developed during December 2011 timetable year. The route between Birmingham and York via Leeds is a category 'A' route.

7.3 The key principles of the route categorisation strategy are:

- Network Rail will work with its customers to reduce the disruption to rail users by engineering work
- Network Rail will deliver an increase in the availability of the network for passenger traffic of 37% by 2013/14
- The reliance on fewer buses at weekends to move passengers around engineering works

- Wherever it is safe and reasonable to do so, to keep passengers on a train in preference to transferring them to a bus
- Network Rail will seek to make available routes accounting for around 60% of weekend passenger miles at all times

7.4 Route Categorisation and '7 Day Railway' initiatives greatly reduce the number of buses the industry is forced to use to move passengers around engineering works, however it is likely that for the foreseeable future there will be some requirement for a 'reasonable' level of disruptive engineering access to be taken that requires an alternative road service to operate. It should be noted that Network Rail considers diversions via Alrewas and Lichfield to be compliant with route categorisation principles; such diversions are available for the majority of the access included in the Water Orton PSN.

8 DECISION SOUGHT FROM THE PANEL

8.1 The Panel is asked to determine:

- (a) That PSN-MA-012 EEPW12 Water Orton Corridor Resignalling was correctly consulted by Network Rail in accordance with the condition D2.2 of the Network Code.
- (b) That Network Rail has correctly applied the Decision Criteria in regard to the decisions that were made in PSN-MA-012 EEPW12 Water Orton Corridor Resignalling and that Network Rail is entitled to take the possessions published in this document.
- (c) That the disruptive engineering access described in the Water Orton PSN should be deemed to have priority over Network Rail's 2011 Rules of the Route proposals on the route between Birmingham and Newcastle for other works, in accordance with condition D2.2.3 of the Network Code.

9 APPENDICES AND ANNEXES

Appendix 'A' List of signalling equipment involved in the Stage 1 and Stage 2 Commissionings.

Appendix 'B' List of trains affected by a 5 day midweek restriction of use on the Slow lines between Kingsbury Jn and Whitacre Jn.

Appendix 'C' Changes made to the access plan during Operator consultation.

Appendix 'D' Minutes of Operator consultation meetings.

10 SIGNATURES

For and on behalf of Network Rail



Signed

Print name Joe Warr

Position: Senior Network Access Planner

Date: _13th January 2010__

APPENDIX 'A'
LIST OF SIGNALLING EQUIPMENT INVOLVED IN THE STAGE 1 AND STAGE 2
COMMISSIONINGS

Overall Scheme	
Main Signals	167
Main Signals to erect during commissionings	39
Shunt Signals	18
Points	115
Track Circuits	396
Staged Track Circuits	89*
IBJs	424 to recover / bond out
Fringes	9 Main Fringes, 3 minor fringes
Phase 1	
Main Signals	74, – 8 Staged*
Shunt Signals	12
Signals / Signage to erect during commissionings	21, 10 SP Signals, 3 SP Head Changes, 2 SP Cable Swaps, 4 PLGS Cable Swaps (and 2 Sign Changes)
Points	17, Plan 2 – 3, 10 conv, Plan 3 – 4 conv.
Track Circuits	151 + 2 AZLM, Plan 1 - 24, Plan 2 - 88, Plan 3 - 37, Plan 4 – 2,
Staged Track Circuits	40*
Fringes	5 Main Fringes (Data Change 4 x WCML interlockings)
IBJs	148 to recover / bond out
New AWS	59, Plan 1 - 15, Plan 2 - 23, Plan 3 – 19, Plan 4 - 2
New TPWS	37, Plan 1 - 1, Plan 2 - 22, Plan 3 – 13, Plan 4 - 1
Signal & Signage Recoveries	89, (41 critical), Plan 1 - 17 sigs & signs, Plan 2 - 46 sigs & signs, Plan 3 - 23 sigs & signs, Plan 4 - 3 sigs & signs
AWS + TPWS Recoveries	50 + 24, Plan 1 - 11 + 0, Plan 2 - 21 + 14, Plan 3/4 - 18 + 10
Reed	10 systems cut back for rehearsal and 10 systems retained an balance checked
Phase 2	
Main Signals	93, – 12 Staged*
Shunt Signals	6
Signals / Signage to erect during commissionings	32, 13 SP, 1 C/L, 6 heads to change / fit, 1 GPLS, 1 OFF (and 11 sign changes)
Points	98, Plan 4 – 16, 2 conv, Plan 5 – 67, 7 conv, Plan 6 – 2, Plan 7 - 4
Track Circuits	243, Plan 4 – 68, Plan 5 – 115, Plan 6 – 23, Plan 7 - 37
Staged Track Circuits	49
Fringes	5 Main Fringes, 3 minor fringes
IBJs	276 IBJs to recover / bond out
New AWS	93, Plan 4 – 26, Plan 5 – 36, Plan 6 -11, Plan 7 – 20
New TPWS	52, Plan 4 – 17, Plan 5 – 30, Plan 6 – 2, Plan 7 - 3
Signal & Signage Recoveries	146, (46 critical), Plan 4 – 42 sigs & signs, Plan 5 – 74 sigs & signs, Plan 6 – 14 sigs & signs, Plan 7 – 16 sigs & signs
AWS + TPWS Recoveries	102 + 67, Plan 4 - 26 + 20, Plan 5 - 50 + 35, Plan 6 - 14 + 6, Plan 7 – 12 + 6

*ESTIMATE

APPENDIX 'B'

LIST OF TRAINS AFFECTED BY A 5 DAY MIDWEEK RESTRICTION OF USE ON THE SLOW LINES BETWEEN KINGSBURY JN AND WHITACRE JN.

UP Train ID	Days	Start	Origin	Destination	DOWN Train ID	Days	Start	Origin	Destination	Divert via FL NO/YES	Reasons can't be routed via FL
					6V19DB	[FSX:00]	17:22	Immingham Sorting Sidings	Llanwrn Exchange Sdgs	YES	
					6V49DB	[FSX:00]	22:19	Tees N.Y.	Alexandra Dock Jn. T.C.	YES	
					4V33DB	[TTHO:??]	00:31	Workshop S.S.	Avonmouth National Power	YES	
					4V32DB	[TTHO:BC]	00:31	Workshop S.S.	Onllwyn Washery	YES	
					4V32DB	[WFO:00]	00:31	Workshop S.S.	Onllwyn Washery	YES	
					4V32DC	[MMO:??]	23:33	Milford West Sidings	Onllwyn Washery	YES	
					6M62EE	[MSX:00]	02:31	Barrow Hill (FLH)	Rugeley B Power Sln (FHH)	NO	6M15ED TTHFO will need to be retimed
					5A21EA	[MSX:00]	03:57	Barton Under Needwood RSMD	London Euston	NO	6M15ED WO will need to be retimed
					6M62EF	[MSX:00]	00:24	Immingham Dock C.T. (FHH)	Rugeley B Power Sln (FHH)	NO	routed via Whitacre to meet the path over the Sutton park
					6M62EF	[MSX:00]	00:24	Immingham Dock C.T. (FHH)	Rugeley B Power Sln (FHH)	NO	routed via Whitacre to meet the path over the Sutton park
					5V41EA	[SX:00]	05:33	Barton Under Needwood RSMD	Birmingham New Street	YES	
6M98EF	[MO:BC]	02:38	Cardiff Tidal T.C.	Kingsbury Sdgs						NO	for path into Kingsbury to follow 1S90 & 4M69
6M98EF	[MSX:BC]	02:38	Cardiff Tidal T.C.	Kingsbury Sdgs						NO	for path into Kingsbury to follow 1S90 & 4M69
4M97EB	[MSX:00]	00:58	Southampton M.C.T.	Birch Coppice Freightliner						NO	for path into Kingsbury to follow 1D50, 1V42 & 1E38
					5S61EX	[MSX:00]	06:01	Barton Under Needwood RSMD	Birmingham New Street	YES	
					5S39EW	[MSX:00]	06:14	Barton Under Needwood RSMD	Birmingham New Street	NO	routed to via Whitacre for 1V42 to pass
					5S39EW	[MO:00]	06:14	Barton Under Needwood RSMD	Birmingham New Street	NO	routed to via Whitacre for 1V42 to pass
					4G67EF	[WFO:00]	04:45	Ratcliffe Fastline Freight	Daw Mill Colliery Fastline	YES	
					4G67EF	[TTHO:00]	04:45	Ratcliffe Fastline Freight	Daw Mill Colliery Fastline	YES	
					4O53CA	[MO:00]	03:58	Wakefield Europort RFD	Eastleigh East Yard	NO	to follow 4M31EB from Nuneaton & 1V03, 1V81 from Derby
					4O53CA	[WFO:00]	04:33	Wakefield Europort RFD	Eastleigh East Yard	NO	to follow 4M31EB from Nuneaton & 1V03, 1V81 from Derby
					4O14CC	[MSX:00]	07:00	Birch Coppice Freightliner	Southampton M.C.T.	NO	needs to follow 1M40 from Whitacre Jn W10 can't run FL
4M75EA	[TWTTHO:??]	23:30	Fellxstowe North F.L.T.	Birch Coppice Freightliner						NO	could convey W10 traffic not cleared FL

APPENDIX 'B'

LIST OF TRAINS AFFECTED BY A 5 DAY MIDWEEK RESTRICTION OF USE ON THE SLOW LINES BETWEEN KINGSBURY JN AND WHITACRE JN.

UP Train ID	Days	Start	Origin	Destination	DOWN Train ID	Days	Start	Origin	Destination	Diver t via FL NO/YES	Reasons can't be routed via FL
4M75EA	[MO:NO]	23:30	Felixstowe North F.L.T.	Birch Coppice Freightliner					Swindon Cocklebury	NO	could convey W10 traffic not cleared FL
					1Z15DD	[THO:00]	06:50	Derby R.T.C.		NO	track recording train can't divert runs 1 week in 13
4M75EA	[FO:C]	23:05	Felixstowe North F.L.T.	Birch Coppice Freightliner						NO	could convey W10 traffic not cleared FL
4G20EA	[MSX:00]	08:13	Lawley Street F.L.T.	Birch Coppice Freightliner						NO	could convey W10 traffic not cleared FL
					6M04EA	[THO:00]	01:49	Port Clarence PetroPlus	Bedworth Murco Sdgs	NO	routed SL for 1G09 also can't run earlier due to 1N41 & 1L32 at Water Orton
					6M61EA	[TO:00]	03:16	Humber Oil Refinery	Bedworth Murco Sdgs	NO	routed SL for 1G09 also can't run earlier due to 1N41 & 1L32 at Water Orton
					6M66EH	[MO:00]	03:45	Immingham Import Term FHH	Rugeley B Power Stn (FHH)	NO	routed SL for 1V46 & 1V05 can't be regulated at Elford Loop due to 6V37
					6M66EH	[MSX:00]	03:55	Immingham Import Term FHH	Rugeley B Power Stn (FHH)	NO	Elford Loop due to 6V37
0O05EA	[MO:00]	09:00	Lawley Street F.L.T.	Birch Coppice Freightliner						NO	routed SL to meet the slot at Kingsbury Branch Jn
					6V37DC	[SX:??]	07:14	Toton North Yard	Didcot Power Station	YES	
					4O54CA	[MSX:00]	06:13	Leeds F.L.T.	Southampton M.C.T.	NO/YES	No if conveys W10 traffic not cleared FL, But YES if Conveys W8 and regulated a Elford loop
6M11FA	[MFO:00]	09:03	Washwood Heath R.M.C.	Peak Forest R.M.C. Sdgs						NO	routed SL to follow 4E69, 1M92
6M11FA	[WO:00]	09:03	Washwood Heath R.M.C.	Peak Forest R.M.C. Sdgs						NO	
4M11FB	[MMFO:00]	09:03	Washwood Heath R.M.C.	Peak Forest R.M.C. Sdgs						NO	
					4O54CA	[MO:00]	06:15	Leeds F.L.T.	Southampton M.C.T.	NO	No if conveys W10 traffic not cleared FL, But YES if Conveys W8 and regulated a Elford loop
					6M85EA	[WO:00]	05:32	Tyne S.S.	Bescot Yard	YES	if regulated to follow 1G16
4E42GA	[SX:00]	09:29	Rugeley B Power Stn (FHH)	Welbeck Colliery (FLHH)						YES	
4E42GG	[SX:00]	09:29	Rugeley B Power Stn (FHH)	Barrow Hill (FLHH)						YES	

APPENDIX 'B'

LIST OF TRAINS AFFECTED BY A 5 DAY MIDWEEK RESTRICTION OF USE ON THE SLOW LINES BETWEEN KINGSBURY JN AND WHITACRE JN.

UP Train ID	Days	Start	Origin	Destination	DOWN Train ID	Days	Start	Origin	Destination	Diver t via FL NO/YES	Reasons can't be routed via FL
4E42GE	[SX:00]	09:29	Rugeley B Power Stn (FHH)	Barrow Hill (FLHH)						YES	Runs SL to meet the booked slot at Kingsbury Branch Jn
6M57EC	[MO:00]	04:55	Margam T.C. Robeston Sdgs	Kingsbury Oil Sdgs						NO	Runs SL to meet the booked slot at Kingsbury Branch Jn
6M57EC	[TO:00]	22:49		Kingsbury Oil Sdgs						NO	Runs SL to get a path over Water Orton West Jn, 1N49 & 1L40
					6G77EA	[TTThO:00]	11:54	Burton OT West Yard FT	Bescot Yard	NO	Runs SL to get a path over Water Orton West Jn, 1N49 & 1L40
					6G77EA	[WFO:00]	11:54	Burton OT West Yard FT	Bescot Yard	NO	Runs SL to get a path over Water Orton West Jn, 1N49 & 1L40
					4G21EA	[SX:00]	12:00	Birch Coppice Freightliner	Lawley Street F.L.T.	NO	could convey W10 traffic not cleared FL
					4L68HA	[FSX:??]	12:15	Birch Coppice Freightliner	Felixstowe North F.L.T.	NO	could convey W10 traffic not cleared FL
					4L68HA	[FO:NO]	12:15	Birch Coppice Freightliner	Felixstowe North F.L.T.	NO	could convey W10 traffic not cleared FL
					4G21EA	[SX:00]	12:00	Birch Coppice Freightliner	Lawley Street F.L.T.	NO	could convey W10 traffic not cleared FL
					4L68HA	[FSX:??]	12:15	Birch Coppice Freightliner	Felixstowe North F.L.T.	NO	could convey W10 traffic not cleared FL
					4L68HA	[FO:NO]	12:15	Birch Coppice Freightliner	Felixstowe North F.L.T.	NO	could convey W10 traffic not cleared FL
					6M49EG	[SX:00]	08:00	Hull Kingston Terminal FHH	Rugeley B Power Stn (FHH)	NO	runs SL to follow 1V58
					6M49EH	[SX:00]	09:02	Inningham Dock C.T. (FHH)	Rugeley B Power Stn (FHH)	NO	runs SL to follow 1V58
					6M49EI	[SX:00]	07:38	Inningham Import Term FHH	Rugeley B Power Stn (FHH)	NO	runs SL to follow 1V58
					6V97DF	[TTThO:00]	13:43	Beeston Silms McIntyre Ltd	Cardiff Tidal T.C.	NO	runs SL to follow 1V11 & 1V89
					4G68EA	[SX:00]	14:55	Birch Coppice Freightliner	Lawley Street F.L.T.	NO	Could convey W10 traffic not cleared FL & 1N55, 1L46 at water Orton
					6G47EV	[SX:00]	13:48	Mountsorrel Sdgs	Bescot Engineers Sdgs	NO	run SL to follow 1G38
					6V06DD	[SX:00]	15:22	Kingsbury Sdgs	Cardiff Tidal T.C.	NO	runs SL to follow 1V60 & 1K20
					4G68EF	[SX:00]	13:30	Ratcliffe Fastline Freight	Daw Mill Colliery Fastline	NO	at the moment but could be diverted via Leicester
1Z15DA	[ThO:00]	09:00	Derby R.T.C.	Derby Birch Coppice Exchange Sdg						NO	track recording train can't divert runs 1 week in 13
4M23XX	[MSX:00]	10:59	Felixstowe North GBRF		6M85EA	[MO:00]	15:22	Doncaster Up Decoy	Bescot Yard	NO	could convey W10 traffic not cleared FL
										NO	runs SL to follow 1G54

APPENDIX 'B'

LIST OF TRAINS AFFECTED BY A 5 DAY MIDWEEK RESTRICTION OF USE ON THE SLOW LINES BETWEEN KINGSBURY JN AND WHITACRE JN.

UP Train ID	Days	Start	Origin	Destination	DOWN Train ID	Days	Start	Origin	Destination	Diver t via FL NO/YES	Reasons can't be routed via FL
			Handsworth Coopers Metals	Aldwarke U.E.S.	6G4SEV	[ThO:00]	16:42	Toton North Yard	Bescot Engineers Sdgs	NO	runs SL to follow 1G54
6E53GA	[WO:00]	16:58								NO	runs SL to follow 1M95
1E68GS	[SX:00]	18:41	Reading	York						YES	
6X52GA	[FO:00]	17:33	Portbury Automotive Term	Mossend Up Yard						NO	runs SL to follow 1M84, 1E37 & 6E68 from Kingsbury Branch Jn
6X52GA	[MWO:00]	17:33	Portbury Automotive Term	Mossend Up Yard						NO	runs SL to follow 1M84, 1E37 & 6E68 from Kingsbury Branch Jn
6X52GA	[ThO:00]	17:33	Portbury Automotive Term	Mossend Up Yard						NO	runs SL to follow 1M72 & 1N67
			Swindon Cocklebury	Derby R.T.C.	4O84CA	[FSX:00]	20:41	Burton OT West Yard FT	Eastleigh East Yard	NO	track recording train can't divert runs 1 week in 13
1Z15DE	[ThO:00]	15:15			6V29DA	[TTO:27]	17:20	Attcliffe Sdgs EWS	Cardiff Tidal T.C.	NO	runs SL for 1V71
1D85EE	[SX:00]	22:02	Birmingham New Street	Nottingham						YES	
5D61EW	[SX:00]	22:07	Birmingham New Street	Barton Under Needwood RSMd	4O52CB	[FO:00]	18:29	Wakefield Europort RFD	Soton W Docks Berth 109	NO	runs SL to follow 5D77
					4O52CA	[MO:00]	18:29	Wakefield Europort RFD	Soton W Docks Berth 109	NO/YES	run SL to follow 4V69 but yes if 4V69 retimed
					4O52CA	[TWTThO:00]	18:29	Wakefield Europort RFD	Soton W Docks Berth 109	NO/YES	run SL to follow 4V69 but yes if 4V69 retimed
					4L24HF	[FSX:77]	21:45	Birch Coppice Exchange Sdg	Felixstowe North GBRF	NO	could convey W10 traffic not cleared FL
					4L24HF	[FO:NO]	21:45	Birch Coppice Exchange Sdg	Felixstowe South GBRF	NO	could convey W10 traffic not cleared FL
					1G90EV	[SX:00]	21:37	Nottingham Street	Birmingham New Street	YES	
					4O55CA	[FO:00]	22:29	Birch Coppice Exchange Sdg	Eastleigh East Yard	NO/YES	No if conveys W10 traffic not cleared FL, But YES if Conveys W8
					4V54DB	[FSX:00]	22:29	Birch Coppice Exchange Sdg	Dilcot T.C.	NO/YES	No if conveys W10 traffic not cleared FL, But YES if Conveys W8
5D83EA	[SX:00]	22:20	Birmingham New Street	Barton Under Needwood RSMd						YES	

APPENDIX 'B'

LIST OF TRAINS AFFECTED BY A 5 DAY MIDWEEK RESTRICTION OF USE ON THE SLOW LINES BETWEEN KINGSBURY JN AND WHITACRE JN.

UP Train ID	Days	Start	Origin	Destination	DOWN Train ID	Days	Start	Origin	Destination	Diver t via FL NO/YES	Reasons can't be routed via FL
5D91EA	[SX:00]	23:27	Birmingham New Street	Barton Under Needwood RSM D						YES	
					6X43CB	[THO:00]	18:56	Scunthorpe Trent T.C.	Eastleigh East Yard	YES	
					4Q27EA	[FO:BC]	22:35	Derby R.T.C.	Derby R.T.C.	NO	track recording train can't divert, might not be running

APPENDIX 'C'
CHANGES MADE TO THE ACCESS PLAN DURING OPERATOR CONSULTATION.

2010 TTY	Proposal at Initial Customer presentation	PSN proposal	Final PSN proposal	Latest position
Period B	Utilise 29/40hr track renewals access between Water Orton and Nuneaton	Not in PSN as already published in 2010 TTY ROTR (but not changed)	Not in PSN as already published in 2010 TTY ROTR (but not changed)	3x 29hr & 1x 40hr shortened after 12hrs to allow XC to run Birm-Deerby via Coleshill (wks 50-53) following XC request
Period C	No access sought	No access sought	No access sought	No access sought
Period D	New 12hr Period block proposed in Periods D1 and D2 (except wks 10&11)	Not in PSN as already published in 2010 TTY ROTR (but not changed)	Not in PSN as already published in 2010 TTY ROTR (but not changed)	Not in PSN as already published in 2010 TTY ROTR (but not changed)
Period E	Work undercover of 37hr track renewal possessions wks 33-36and subsequent split-shift follow-up access.	Not in PSN as already published in 2010 TTY ROTR (but not changed)	Not in PSN as already published in 2010 TTY ROTR (but not changed)	37hr possessions reduced to 29hrs in weeks 33,34 and 36 following reduction of scope for track renewal works.
2011 TTY	Proposal at Initial Customer presentation	PSN proposal	Final PSN proposal	Latest position
Period A	Work undercover of split-shift follow-up access from wks33-36, and during Xmas NBS	No change	Xmas NBS times refined following Operator input	No further change
Period B	Work undercover of 37hr track renewals access in wk 46	Wk 46 possession reduced to 29hrs following reduction in scope of track renewals work	No further change	No further change
Period C	Work undercover of 37hr track renewals access in wk 47-52	No change	Wk 47 and 48 possessions reduced to 29hrs following reduction in scope of track renewals work	Weeks 49-52 possessions reduced to 29hrs following reduction in scope of track renewals work
Period D	Dedicated resignalling access (12hrs) proposed in Weeks 1-7	No change	No change	No change
Period E	Dedicated resignalling access (12hrs) proposed in Week 8	No change	No change	No change
Period F	No access sought	No access sought	No access sought	No access sought
Period G	No access sought	No access sought	No access sought	No access sought

APPENDIX 'C'

CHANGES MADE TO THE ACCESS PLAN DURING OPERATOR CONSULTATION.

2011 TTY (cont.)	Proposal at Initial Customer presentation	PSN proposal	Final PSN proposal	Latest position
Period H	5 x 28hrs in weeks 25-29 (3 x W, Orton to Nuneaton and 2 x W, Orton to Wichnor)	Dating revised to align 2 x 54s with leaf fall = 5 x 28hrs wks 29-33, then 54hrs wks 34/35. Provision made to pass W10 unsignalled via Slow Lines Kingsbury to Whitacre	Week 34 possession reduced in duration to start at 1120 Sat	Week 34 possession further reduced to start at 1900 Sat. Midweek restriction to Slow Lines now lifted.
Period J	2 x 54hrs in weeks 30 & 31, and midweek block in weeks 30 to 31 of Slow Lines Kingsbury to Whitacre			

2012 TTY	Proposal at Initial Customer presentation	PSN proposal	Final PSN proposal	Latest position
Period A	No access sought	No access sought	No access sought	No access sought
Period B	No access sought	No access sought	No access sought	No access sought
Period C	37hr possession of Sutton Pk in Weeks 48 & 49, 28hr possessions Bham to W.O. weeks 50-52	No change	No change	No change
Period D	28hr possession Bham to W.O. week 1, then 96hr commissioning blockade at Easter	No change	Start/finish times of the commissioning blockade reduced as per customer requests, reducing duration by around 4 hours.	No further change

APPENDIX 'D'
MINUTES OF OPERATOR CONSULTATION MEETINGS.

Notes from Water Orton resignalling meeting 08/04/09

Attendees:

Gareth Bates (Network Rail)
Gemma Doyle (Network Rail)
Alistair Glasgow (Network Rail)
Matthew Game (Network Rail)
Andy Osborn (Westinghouse)
David Jemmerson (Network Rail)
Rob Fairy (Network Rail)
Rob Hodgkinson (Virgin Trains)
Simon Barratt (Freightliner Ltd)
Chris Hassall (Freightliner Heavy Haul)
Richard Lewis (DB Schenker)
Mark Haslam (London Midland)
John Cherrington (CrossCountry Trains)
Trevor Harris (Network Rail)
Darren Nock (Network Rail)

Apologies/Minutes only:

Barry Oakes (Network Rail)
John Dwerryhouse (Network Rail)
Davina Follows (Network Rail)
Alison Baker (Network Rail)
Wendy Tipping (Network Rail)
Gary Evans (Network Rail)
Matthew Ferguson (Network Rail)
Joe Warr (Network Rail)
Paul Orchard (Fastline)
Ian Kapur (First GB Railfreight)
Tony Worgan (Network Rail)

Purpose of meeting

The meeting was convened to allow LNW TDPU and the Water Orton Re-signalling project to present their proposed access strategy for the construction, testing and commissioning of the scheme. The presentation used at the meeting is attached, and comments and questions raised during the meeting are listed below:

Period B possessions (2010 TTY) – Although the signalling works are planned to utilise access proposed for track renewals work, CrossCountry pointed out that they have disputed this series of possessions due to the effect on their Stanstead Airport services

Period A possessions (2011 TTY)/Christmas 2010 – A discussion took place on whether blocking the Water Orton route, along with major disruptive possessions at Birmingham New Street (Gateway scheme) and Reading, plus a possible possession at Selly Oak (bridgeworks associated with the new Queen Elizabeth hospital) was feasible. No clear decision was reached, and the issue will need further examination when the effect of the work at New Street and Reading is better known.

Periods B&C (2011 TTY) – London Midland suggested that the possessions proposed to start at 1500 Sat, would be much more acceptable with a 1900 Sat start. This was noted by the TDPU, who will discuss this with track renewals, who are driving this access. FLHH queried if a route to/from the Sutton Park line would be available from the Nuneaton and Tamworth directions – this was confirmed.

Pre-commissioning (Stage 1) possessions – The TDPU suggested that the proposed possessions between Nuneaton and Water Orton (x3) and Wichnor and Water Orton (x2) could be extended to

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Duddeston Jn to allow some of the 11/12 track renewals to take place, which could be considered less disruptive overall than dating these items separately. Feedback to this proposal will be welcomed from the Train and Freight Operators through the forthcoming 2011 TTY development meetings.

Stage 1 commissioning – The 2 x 54hr possessions are provisionally dated during the perceived Autumn school half-term period. A suggestion was made that dating these possessions a few weeks later (weeks 33/34?) to correspond with leaf-fall season may be preferable, as there could be increased capacity on the diversionary route via Lichfield at this time. This would also result in the pre-commissioning possessions moving away from late Summer, which may also be preferable for some operators **ACTION** – Project to examine the possibility of redating stage 1 commissioning to leaf-fall period.

FLHH have traffic booked to/from Kingsbury during the times proposed for the commissioning possessions, and asked if provision could be made to allow access to Kingsbury, even if this had to be by temporary block working. **ACTION** – Project to explore options for maintaining access to Kingsbury. Similarly, during the second 54hr possession, access would also be restricted to Daw Mill and Hams Hall, and several freight operators queried if the possession could be amended to fit the times of the first and last trains from these locations (approx 1045 Sat to 1900 Sun). **ACTION** – Project to assess the possibility to amending the possession times.

Pre-commissioning (Stage 2) possessions – The 2 x 37hr possessions for track works at Park Lane Jn, with proposed start times of 1600 Sat, would result in a period of 3 hours where there was no obvious route for freight traffic other than via New St, where no suitable paths are likely to be available. **ACTION** – TDPU to discuss the possibility of reducing the duration of these possessions with the IMT.

The 4 x 29hr possessions between Water Orton West and Grand Jn could potentially be extended to either Wichnor Jn or Nuneaton to allow some of the 11/12 track renewals to take place, which could be considered less disruptive overall than dating these items separately. Feedback to this proposal will be welcomed from the Train and Freight Operators through the forthcoming 2011 TTY development meetings.

Stage 2 Commissioning – The majority of operators considered Good Friday to have traffic levels similar to a normal working day, and requested that the possession be reduced in duration. **ACTION** – Project to assess the possibility of reducing the possession duration. Alternatively, it was suggested that the stage 2 commissioning could be brought forward to Xmas '11. **ACTION** – Project to assess the possibility of working at Xmas '11 (POST MEETING NOTE: East Kent commissioning is planned to take place at Xmas '11, which presents a significant resource constraint. Also, if stage 2 commissioning was brought forward, stage 1 would also need to be brought forward, probably to Easter '11).

The project was also asked if the commissioning could be split into 2 separate possessions, but it was confirmed that this was not possible.

A number of operators highlighted first/last train times from their terminals and depots on the affected area: London Midland would prefer a start time of 0200 to allow a normal closedown of service and for units to return to Tyseley Depot. Freightliner would prefer that access to Lawley Street is maintained until 1200 Sat and from 0600 Tue, and access to Birch Coppice is maintained from 1030 Sat to 0600 Tue. Freightliner HH have traffic at Kingsbury until 1400 Sat, and from 0500 Mon, and at Daw Mill until 1000 Sat and 2200 Sun. Information provided by GBRf in advance of the meetings suggests they have traffic at Hams Hall until 0940 Sat. Fastline also provided information prior to the meeting for Daw Mill, where their last train on a Sat is at 1045, and their first train on Sun is at 1900 (it's not clear if this runs on a BH Sun).

Concerns were raised about the facilities for rail replacement bus services that would be available in 2012, due to the Gateway works at Birmingham New St **ACTION** – TDPU to discuss this with Andy Duggan.

CrossCountry stated that this proposed possession would not be compatible with ECML blocks, and that no other possessions should be planned between Birmingham and Stanstead during the commissioning.

12hrs of testing into Birmingham New Street South tunnels was required during the 96hrs. This could potentially be split down into smaller possessions totalling 12hrs working time. Virgin's preference was that this would take place as a straight 12hr possession to avoid risk of overruns. London Midland would prefer smaller possessions to reduce disruption.

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MINUTES OF OPERATOR CONSULTATION MEETINGS.

Virgin requested access to Stafford via Lichfield Chord be maintained during the commissioning possession.

Following the presentation, a general discussion took place, and the following points and queries were raised:

- Several Operators highlighted that the possessions associated with the scheme would require driver training, which would result in the associated costs being claimed.
- CrossCountry do not support the project.
- A number of Operators wished to understand exactly how the scheme benefited them, and queried if stakeholder meetings had taken place.
- It was queried if the Water Orton to Doncaster W10 project had any work to complete during the same period as the resignalling project (potential to optimise access) **ACTION** – TDPU/DJ to discuss with Geoff Bounds.
- Information on the rest of the West Midlands resignalling project was requested. **ACTION** - TDPU to discuss with Graeme Anderson, and ideally arrange a presentation at the next Water Orton meeting.
- The publication date for the PSN was requested. This needs to be agreed with the NAU. Subsequently, a further Operator meeting will be required (June/July?).
- When possessions prevent access through Water Orton, the route via Wolverhampton, Shrewsbury, Hereford and Severn Tunnel needs to be kept open.
- There may be additional requirements to open signalboxes to facilitate diversions via Lichfield.

NOTES END

Please let me know if you have any queries,

Regards,

Gareth Bates

APPENDIX 'D'
MINUTES OF OPERATOR CONSULTATION MEETINGS.

Notes of Water Orton resignalling project PSN response meeting 19/8/09

Attendees:

Gareth Bates (Network Rail)
Joe Warr (Network Rail)
Davina Follows (Network Rail)
David Jemmerson (Network Rail)
Mark Harrison (Network Rail)
Mick Brook (Network Rail)
Darren Nock (Network Rail)
Andy Osborn (Network Rail)
Alistair Glasgow (Network Rail)
Matt Game (Network Rail)
David Shipman (Network Rail)
Trevor Harris (Network Rail)
John Cherrington (CrossCountry)
Mark Haslam (London Midland)
Richard Lewis (DB Schenker)
Chris Hassall (Freightliner Heavy Haul)
Simon Barrett (Freightliner Intermodal)

Apologies/Minutes only:

Matt Allen (Network Rail)
Barry Oakes (Network Rail)
John Derryhouse (Network Rail)
Gary Evans (Network Rail)
Matthew Ferguson (Network Rail)
Paul Orchard (Fastline)
Ian Kapur (GBRf)
Nelson Keen (Colas)
Kevin Eccleston (DRS)
Tony Worgan (Network Rail)
Stephen Bryden (Network Rail)
Rob Fairy (Network Rail)
Jason Parrish (Network Rail)
Andy Lewis (Network Rail)

Purpose of meeting

The meeting was convened to review Operator responses to the Water Orton PSN (Possession Strategy Notice).

Queries and comments relating to the scope of the scheme are requested to be fed back via the Network Change notification

2011 Period A Weekend 38

CrossCountry's preference is now to avoid split-shift possessions, however an alternative 18hr Sunday possession would be equally unacceptable.
DB Schenker would ideally prefer the possession to avoid affecting Monday, and be contained to Sunday only.

2011 Period A Weekend 39

The times proposed in the PSN are designed to be non-disruptive to passenger and freight services (a route for ECS movements will be maintained via the Cross City Line)

The collected Operators agreed that 2200 a start on 24/12 may be acceptable. **Action:** Operators to advise on the most acceptable start/finish times for this possession.

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2011 Period B Weekend 46

It was confirmed that the duration of this possession could now be reduced to 29hrs following a review of track renewals work contained within this week.

2011 Period C Weekends 47-52

CrossCountry and other operators asked for details of the S&C renewals resulting in this access being 37hrs (Note that the re-signalling work only requires 29hrs access).

This is primarily a S&C renewal at Duddeston Jn:

717B pts partial renewal
718A pts complete renewal
718B pts abandonment
719A pts abandonment
719B pts partial renewal

POST MEETING NOTE: It is anticipated that the duration of some of the possessions in weeks 47-52 can be reduced in duration to 29hrs. For those weeks which need to remain as 37hrs, we will seek to establish if SLW can be provided between 1500 Sat and 2350 Sat (the resignalling construction works affect all lines so SLW definitely cannot be provided on the Sun/Mon portion of the 37hr possessions).

CrossCountry also requested that no other work is planned between Birmingham and Newcastle and Birmingham and Stansted in this period. **Action: GB** to liaise with colleagues within the Planning Integration team.

2011 Period D Weekends 1-8

This is currently proposed as a period block of 12hr possessions. Due to a requirement for 3 x 29hr possessions for PLTR at Park Hall (between Castle Bromwich and Water Orton) in weeks 1-3, it is proposed to optimise the signalling work into weeks 1-3 and remove the disruption in weeks 4-8. This needs Operators support to be published in the Final PSN but is likely to result in less disruption overall. Operators commented that they would like to see further justification for this proposed and queried why this cannot be done in Period C. **Action: GB** to advise.

DB Schenker would agree to this proposal if the finish time was constrained to 0330 Mon **Action: GB/DF** to confirm if this is possible with the track renewals team, and to establish if the PLTR could be moved to the 10/11 year to be completed in week 47-52 (subject to compatibility with the S&C renewals and signalling works already taking place in these weeks)

2011 Period H Weekends 29 & 30

Note that over and above the access proposed in these weeks in the PSN for signalling works, as discussed in the pre-PSN meeting, additional access will be sought in the ROTR between Birmingham and Water Orton for PLTR unrelated to the signalling works – it is thought that this would be less disruptive overall.

CrossCountry and other Operators also wish to see all work affecting their routes simultaneously rather than in separate PSN and ROTR discussions. Operators also commented on the level of track renewals access currently included in the 2011 plan (some of which is included in the PSN) – this is felt to be excessive, given the number of weekends affected. **Action: MH** to consider holding a workshop with the LNW track team to review likely track requirements in CP4 and beyond for this area, to give Operators the chance to consider and buy-into the overall track renewals strategy on the Derby-Birmingham and Water Orton-Nuneaton routes.

A 0500 Mon finish was requested by Freightliner Heavy Haul – this was agreed and will be published in the Final PSN. **Action: JW.**

2011 Period J Weekend 31

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As with weeks 29 & 30, additional access will be sought in the ROTR between Birmingham and Water Orton for PLTR unrelated to the signalling works – same comments apply from Operators.

A 0500 Mon finish was requested by Freightliner Heavy Haul – this was agreed and will be published in the Final PSN. **Action: JW.**

2011 Period J Weekends 32 & 33

Same comments as weeks 29 & 30 apply

It was confirmed that a route will be available Nuneaton – Water Orton – Sutton Park.

2011 Period J Weekend 34 and midweek Week 34

Since the original discussions on 14/04, the signalling project have agreed to reduce the duration of this possession to start at 1120 Sat.

Access is available to Daw Mill, Hams Hall, Coleshill Parkway and Birmingham/Sutton Park to Nuneaton.

DB Schenker re-iterated their desire for the start time of the possession to be amended to 1800 Sat. A further reduction was not believed to be possible.

An unsignalled route will be provided between Whitacre and Kingsbury for W10 traffic only during the midweek period, instead of the complete block proposed in the PSN. Operators requested that the effect of this restriction was reviewed and a time-table exercise is carried out: **Action: JW** to assess with TPC.

2011 Period J Week 35 Commissioning

Freightliner Heavy Haul stated that the lack of access to Kingsbury and other locations would be very disruptive to them, and queried if access could be provided. The project outlined the reasoning behind the access sought – the access is not just for wheels-free testing, a number of civils activities would also be taking place in the access which are critical to the commissioning. **Action: WO Project team:** Can the project examine the possibility of providing some access (to Kingsbury/Birch Coppice/Hams Hall) if possible?

It was queried if the commissioning could be redated to Xmas 2011 – this is not possible due to resource constraints and also does not leave sufficient time between stage 1 and stage 2 commissionings. A further option of bringing the work (stage 1 commissioning) forward to August Bank Holiday was suggested, and this was thought to be better for Freight Operators but more disruptive to passenger operators. Careful consideration to the effect on the rest of the national access plan which has been developed around the current proposed dates would also need to be given. This is also likely to severely impact on the deliverability of the scheme. Notwithstanding this: **Action:** Project to consider the impact of moving the commissioning to August **BH/NAU/TDPU** to assess the impact of the redating the possession.

2012 Period C Weekends 47 - 48

Capacity for diverted services via New St to be established. **Action: NAU/TPC** to examine.

2012 Period C Weekend 49

Capacity for diverted services via New St to be established. **Action: NAU/TPC** to examine.

2012 Period C Weekends 50-52

A commitment was made to accommodate the 0330 Mon Jaguar train/loco if this service is running at the time.

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MINUTES OF OPERATOR CONSULTATION MEETINGS.

2012 Period D Weekend 1

A commitment was made to accommodate the 0330 Mon Jaguar train/loco if this service is running at the time.

2012 Period D Weekend 2

A 0200 Fri start time for this possession was requested by London Midland – this was agreed and will be published in the final PSN. **Action: JW** An overall finish time of 0410 Tue was considered acceptable.

Kingsbury/Hams Hall/Coleshill Parkway and Daw Mill will be available throughout the possession except between 2350 Sun to 0410 Mon from the East (Tamworth/Nuneaton directions).

Fringe testing will block into New Street South Tunnels during the Sun/Mon NBS period and 0100 Mon to 0500 Mon which could affect ECS movements.

Freightliner queried if access could be provided to Lawley Street until lunchtime on Saturday. The project believe this is unlikely to be achievable, and if work to accommodate a new layout at Lawley Street takes place within the possession, this would definitely prevent access being provided into Lawley Street at any point.

CrossCountry have concerns about the effect to their services, querying if work would be taking place at Reading during Easter 2012, and if other routes will be maintained open – **Action: TPPU/NAU** to ensure that this restriction is fully considered during the development of 2012 ROTR.

Other routes (not exhaustive) that need to be maintained open during this possession:

Coventry Corridor
Cross City North
Church Road
Tyseley to New St via Snow Hill, Langley Green and
Nuneaton South connections
Birmingham New Street to Central Rivers via Stafford and Lichfield Chord (especially 0100 Mon to 0500 Mon).

AOB

Operators queried when the capacity improvement resulting from the scheme would be incorporated into the timetable/ROTP.

Action: Project to advise.

Next steps:

- **Project team/TDPU/NAU** to confirm outstanding issues/queries **by 4/9/09**
- **NAU** to issue final PSN **11/9/09**
- **TOCs/FOCs** to notify ADC of any dispute **by 12/10/09**
- **NAU** to arrange timetable study meeting during October/November to deal with capacity issues

Notes end