

**STATEMENT TO TIMETABLING PANEL HEARING OF DISPUTES
TTP807 AND TTP808**

Under the provisions of Access Dispute Resolution Rule H19, DB Schenker Rail (UK) Ltd (Company Number 2938988), whose registered office is at Lakeside Business Park, Carolina Way, Doncaster DN4 5PN ("DBS") wishes to become a Dispute Party in connection with Timetabling Disputes TTP807 (brought by GB Railfreight Ltd) and TTP808 (brought jointly by Freightliner Ltd and Freightliner Heavy Haul Ltd) concerning the decision of Network Rail Infrastructure Ltd ("Network Rail") to amend its decisions as previously published in Version 2 of the Timetable Planning Rules for 2016.

This is the statement of DBS.

1. Network Rail issued its decision regarding amendment of the Timetable Planning Rules for 2016 in the West Ealing area subsequent to issue of Version 2 of the Timetable Planning Rules for 2016 (against which DBS had appealed).
2. DBS was an objector to the relevant Network Change proposal which had been made by Network Rail and that Network Change has not yet been established. The Network Change is the driver behind the revision of the Timetable Planning Rules and it is the view of DBS that Network Rail is not entitled to propose or implement change to the Timetable Planning Rules until the Network Change has been established.
3. The relevant Timetable commences on 13 December 2015, on which date the amendment to the Timetable Planning Rules would take effect. If Network Change is established, it is our understanding that the associated work on the infrastructure is not planned to be carried out until during the Christmas/New Year period. The amended Timetable Planning Rules would consequently not relate to the Network (as established) in the days prior to Christmas 2015.
4. DBS refers the Panel to the determination of Timetabling Disputes TTP371, TTP513, TTP514, TTP570 and TTP571 as being persuasive in this situation.
5. DBS would be sympathetic towards considering a conditional proposal amending the Timetable Planning Rules from a date in January 2016 subject to establishment of the Network Change but regards the decision of Network Rail in its current form to be inadmissible. DBS seeks that the Timetabling Panel determines accordingly.

On behalf of DB Schenker Rail (UK) Ltd

Nick Gibbons

Nick Gibbons
Head of National Planning & Contractual Performance

12 May 2015