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24 February 2017

Dear Ian

**Application for directions: proposed 7th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (NR) and First Greater Western (GWR) limited dated 4<sup>th</sup> March 2016**

Thank you for your letter dated 3 February 2017 inviting our written representations in respect of the above application.

NR understands that the development of HS2 generates a staged withdrawal of facilities at OOC, including space for stabling and that alternative sites will need to be used to make up the shortfall between the reduction of the HST fleet and the introduction of the electric Intercity stock which has its own depot at North Pole.

Our responses to specific points in the application are set out below.

**Section 3.2 of the Form P**

As stated in this section, NR believes that the existing rights in the Track Access Contract (TAC) provide sufficient comfort for GWR with regard to stabling. It should be noted that GWR do not have any other Firm Stabling Rights in their TAC.

NR sees the definition of Stabling in clause 1.1, paragraph 2.6 of Schedule 5, (Ancillary Movements) and clause 5.8, Stabling as important for this position.

Stabling is defined in clause 1.1 of the model passenger contract as the “parking or laying up of the Specified Equipment or such other railway vehicles as the passenger operator is permitted by this contract to use on the Network, such parking or laying up being necessary or reasonably required for giving full effect to the movements of Specified Equipment required for the provision of the Services”.

In paragraph 2.6 of Schedule 5, the passenger model contract provides that the train operator has firm rights to make Ancillary Movements of Specified Equipment to the extent necessary or reasonably required to give full effect to the other firm rights of the Train Operator it follows that Network Rail has an obligation to enable those other firm rights to be delivered. This might well be achieved through the stabling of vehicles at Paddington, but it might not necessarily be so. The important thing is that the obligation remains with NR.

As the track access contract stands, NR is tasked to provide stabling in clause 5.8. “Without prejudice to Network Rail’s obligations, if any, under Schedule 5 to provide Stabling, Network Rail shall use all reasonable endeavours to provide such Stabling facilities as are necessary or expedient for or in connection with the provision of the Services in accordance with the Working Timetable.”

NR believes that this provision is sufficient to provide GWR with the required stabling, in Paddington Station when possible and at other locations when not. Clause 5.8 allows flexibility in the timetabling process where firm rights would not. This flexibility is crucial in protecting the existing operations at the station and accommodating the new requirements.

#### Section 4 of the Form P

NR has suggested that GWR do have other options for stabling. Other potential stabling locations are depots at North Pole, Reading, West Ealing and Bristol. To date GWR has provided no information to demonstrate capacity in these depots. It is rare that we close all lines between Paddington and Reading on weeknights so we do not see the requirement for ECS moves as a reason not to consider other locations.

#### Section 4.2 of the Form P

### Investment for and delivery of Shore supply

This GWR application states that government funding has been agreed to upgrade the shore supply and that NR is delivering it. NR are aware that this item has been discussed but have been told by the HS2 NR Project Team that at this time it is an option but there is no commitment. Currently HST compatible shore supply exists in low numbered platforms only and is maintained by GWR.

### Analysis and Agreement

NR were not aware until the Form P arrived that GWR were requesting any SX or Sunday stabling rights and that the time period for SO had been extended to 20h00 to 08h00. The statement that the proposal is the result of analysis and agreement between the DfT, HS2, NR and GWR is inaccurate, this is acknowledged in sections 3.2.2 and 8.1.

NR had previously looked at capacity for a SO requirement. In 2016 a subgroup of IPG (Industry Planning Group) attended by GWR, Cross Rail, Heathrow Express (HEX) and NR reviewed the impact of stabling 3 HSTs at Paddington Station from midnight to 07h00. The output suggested that this was achievable but would require HEX to agree to operate using only one platform instead of their contractual right which is two. This subgroup did not consider the question of contractual rights for stabling. This was considered by the NR Sale of Access Rights Panel in December 2016 and rejected as no case was seen to exist for specified rights.

In the time since receiving this Form P and with the detail provided, NR has been unable to carry out a detailed exercise to quantify exactly whether the capacity that exists at London Paddington station is sufficient for stabling for 3 HST sets every day of the week between 20h00 and 08h00.

The document attached in Appendix 1 sets out the train movements and possessions for a sample day at Paddington (23.02.17). It is important to note that the profile of usage at the station is different for every weekday due to service variations (e.g. Friday only trains) and variations to the maintenance access (e.g. relief lines or mains, low numbered platforms or high).

From a high level review it can be seen that a certain level of capacity is available for stabling from 01h00 – 04h20 on this particular day. This is based on not stabling trains within possessions. This is something that could be considered but means trains have to enter the platform prior to the start of the possession and remain “locked in” until the possession is given up. The information GWR have provided (attached at Appendix 2) shows that they wish to move trains in and out of the station during the night for fuelling at Old Oak Common.

During discussions with GWR on the details in the Form P we have been advised that the times of 20h00 to 08h00 may not be required and shorter windows of 00h01 to 05h00 SX and SO and 00h01 to 07h00 SUN have been suggested by GWR. We have proposed to GWR that the IPG subgroup meets to look at the weeknights proposal to identify what stabling capacity exists now and what stabling capacity is required, to facilitate the development of the timetable from December 2017.

In conclusion, NR does not support the granting of firm stabling rights at Paddington Station as NR believes the existing provisions in the TAC are sufficient and, the exact requirement (number of trains and times) has not been confirmed (the details have been amended subsequent to this Section 22A) which means we do not know whether the available capacity at Paddington matches the GWR requirement.

NR is of course happy to continue working with GWR and other operators to manage and plan for the staged closure of old Oak Common Depot and the impact of this on rolling stock.

Yours sincerely

Katharine Campbell  
CRE, GWR