

Subject: Re: Consultation on consolidation and revision of freight general approvals

Dear Alice,

Thank you for the Office of Rail Regulation's letter of the 12th July.

The concept of General Approval is very helpful in simplifying administrative arrangements for all and is fully supported.

Your Appendix B: Paragraph 2: Specified Equipment v Vehicle Change.

The concern here is that Vehicle Change may not have been thought necessary but is in the end deemed necessary. In this case firm right will already be in place by virtue of the proposed General Approval. It would help prevent this if the wording ", if necessary," were removed from Paragraphs 7w and 7x of Annex D of the proposed General Approval, and further still if the words "completed and the Sponsor" were replaced in the same paragraphs with "completed such that the Sponsor". Alternatively a requirement to consult the rights change should apply.

Although Vehicle Change is not always necessary we have in general initiated the process to prove the view one way or the other where the addition or amendment of our rights is critical for us.

Your Appendix B: Paragraph 3: Level Two Rights for Two Years.

This provides greater certainty and priority to a freight service than to a non-consulted passenger service whose (contingent) quantum rights expire after ninety days. This is a threat to potential passenger services which will need to be consulted in the light now of newly extant Level Two freight rights and to potential other freight services which will have to be considered by Network Rail in the light of new extant Level Two freight rights. Without this facility the industry weighs the pros and cons of all aspirations. Consultation (if not full ORR consideration) is required.

In addition without consultation firm freight rights may be in existence without other operators being aware. It would help therefore if consultation is not provided for advice to other users to be mandatory.

Your Appendix B: Paragraph 4: Level Three Rights.

For the avoidance of doubt this is supported as these are rights contingent on capacity being available.

Your Appendix B: Paragraph 8: Extension.

This should exclude Level Two Rights (as well as Level One Rights) as these are firm, and can affect capacity decisions as per our comment to your Appendix B Paragraph 3 above.

Your Appendix B: Paragraph 9: Current Paths.

Up to a point this is welcomed as currently this advice given by Network Rail provides comfort that there is no danger in the associated changes being proposed, and support is automatically given. This is not the same for new Level One rights (vice contingent) being proposed in similar vein as the new train may have caused us flex or performance problems.

Any General Approval should exclude (save for correction of drafting error) the change of Origin or Destination or route (including where defined by calling point right) or any other element having an impact different from that of the core original right as this has the same risks as a new (vice contingent) right which is associated with a current path. Because of this the General Approval to fit the wtt without consultation should permit change only to one or more of Reporting Number, Departure Time, Arrival Time, Arrival Time at Intermediate Point, and Departure Time at Intermediate Point.

There is no need to provide an advice of such changed rights to other operators.

Your Appendix C: 2009 Consultation: ORR Comments re the Decision 23 March 2009.

An advice (rather than a consultation) may be worthwhile.

Draft General Approval: Annex D: Paragraph (k) (l): Arrival Time

This has the same impact as departure time and requires consultation (unless re wtt alignment) in the same way.

Draft General Approval: Annex D: Paragraphs (z) and (aa): RA and Loading Gauge

This perhaps should be subject to consultation as it may affect diversion options and hence engineering strategy which may then have an impact on other operators.

Draft General Approval: Annex D: Paragraph (dd): Contract Miles

There appears no need for consultation.

I should be very grateful if you would arrange for these points to be considered. Proposals not mentioned are supported.

Many thanks.

Rob Holder

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