1. **DETAILS OF PARTIES**
   1. The names and addresses of the parties to the reference are as follows:-
      1. GB Railfreight Limited (Company No. 03118392) whose Registered Office is at 55 Old Broad Street London EC2M 1RX ("GBRf") ("the Claimant"); and
      2. Network Rail Infrastructure Limited whose Registered Office is at 1 Eversholt Street, London NW1 2DN ("NR" ("the Defendant")).
2. **THE CLAIMANT’S’ RIGHT TO BRING THIS REFERENCE**
   1. This matter is referred to a Timetabling Panel ("the Panel") for determination in accordance with Condition D5.1 of the Network Code.
3. **CONTENTS OF REFERENCE**

This Sole Reference includes:-

* + 1. The subject matter of the dispute in Section 4;
    2. A detailed explanation of the issues in dispute in Section 5;
    3. In Section 6, the decisions sought from the Panel in respect of
       1. legal entitlement, and
       2. remedies;
    4. Appendices and other supporting material.

1. **SUBJECT MATTER OF DISPUTE**
   1. This is a dispute regarding NR’s decisions regarding version 4 of the Timetable Planning Rules (“TPRs”) in respect of the May 2023 timetable and the processes involved in reaching those decisions and the timescales involved.
   2. This section is split into various different subject matters due to the individual nature of each matter.
   3. In version 1 of the 2022 National TPRs, Network Rail included a new paragraph regarding infrastructure monitoring services to the extent that those running at a frequency of less than 1 in 13 weeks would still be included in the National TPRs. With the document being re-formatted this now appears as paragraph 4.6 on page 42 of the document (Appendix A). This includes an apparent ability to formally encompass conflicts in the Working Timetable (“WTT”) and an undefined process for conflict resolution through the Short Term Planning (“STP”) process. GBRf objected to this as it is contrary to the determination of TTP1069 (Appendix B, Section 4.3, page17 refers). This determination followed on from non-adherence on the part of Network Rail to a previous determination (TTP625/685/733/872). At the same time, Network Rail included what is currently the table in Appendix A, pages 94 to 119 to include those services mentioned above.
   4. Anglia planning geography: in version 4 of the 2023 TPRs, an explanatory note was changed at March South (Appendix C, page 1). GBRf requested this to be changed back to its original description as this was correct.
   5. Anglia power supply restrictions (Barking area): a new entry was added in version 2 of the 2020 TPRs and subsequently amended in version 4 of the 2022 TPRs (current entry is shown in Appendix C, page 2, last few paragraphs as highlighted). GBRf did not agree either change due to the restriction not being adequately justified.
   6. Stratford junction margin: a new entry was added in version 2 of the 2023 TPRs and subsequently amended in version 3 (currently entry as highlighted in Appendix C, page 3). GBRf did not agree the change as there is no need for a margin.
   7. Ilford junction margin: two new entries were added in version 1 of the 2021 TPRs (current entry as highlighted in Appendix C, pages 4 and 5). GBRf did not agree the change as the need for it had not been demonstrated.
   8. Shenfield junction margin: a new entry was added in version 1 of the 2021 TPRs (current entry as highlighted in Appendix C, page 6). GBRf did not agree the change as the margin was too generic for the various possibilities of conflicting moves and no details of how the value was derived.
   9. Harlow Mill freight yard: a new entry was added in version 1 of the 2020 TPRs (current entry as highlighted in Appendix C, page 7). GBRf did not agree the change as the proposal was too generic and did not adequately support the nature of traffic using the site.
   10. Canonbury West Jn: a new planning restriction was added in version 4 of the 2022 TPRs (current entry shown in Appendix C, page 8) to the extent two trains cannot be present on the single line from Finsbury Park. GBRf objected as this is a statement of the obvious in terms of planning rules.

**5 EXPLANATION OF EACH ISSUE IN DISPUTE AND THE CLAIMANT’S ARGUMENTS TO SUPPORT ITS CASE**

5.1 With regard to the National TPR issue from paragraph 4.3 above, GBRf’s objection is that NR is continuing to ignore the determination of TTP1069, in that the services it was told to remove from the TPRs and the WTT are still present in both. GBRf does not intend to repeat here the reasoning as that would entail a reprise of TTP1069; the detail is available in GBRf’s SRD for same and the ensuing determination. However nothing has changed since in that the inclusion of these services, some of which only run once per timetable, is disproportionate to capacity such inclusion reserves and continues to cause GBRf and others significant planning issues in trying to work around them. Furthermore it has come to light that some of the trains in the list of trains that do (apparently) run on a more frequent basis (Appendix A, pages 68-94 refer) in fact do not, as they are multiples of schedules that run on a less frequent basis. For example, page 92 shows service UTU105A/B/C as running 8-weekly, whereas they are in fact three different trains each running at a frequency of 1 in 24 weeks.

5.2 Anglia planning geography – changed explanatory note at March South (Appendix C, page 1): GBRf requested this to be changed back to its original description as the change is incorrect. NR has still not done this, or explained why the change was made in the first place. GBRf requires full planning functionality from this location, and not just part of it.

5.3 Anglia power supply restrictions (Barking area): GBRf did not agree that either the original entry (or its updated version) should be included in the TPRs due to it being vague in its intent and meaning, as well as illogical. Similarly there has been no associated Network Change to imply that the running of freight trains is in any way restricted (the associated restriction was published in the Sectional Appendix, without consultation, on 29 September 2018). This is also discriminatory against freight as there is no limitation on the number of passenger trains that can be planned: if the electrical power supply is apparently finite then GBRf would expect a more scientific approach to the nature of the problem. For example, the restriction, as published, applies between 06:00 and 10:00 daily, yet there is very little traffic on a Sunday morning compared with a weekday morning. There is no restriction in the weekday evening peak, despite a very similar number of trains being in operation to the morning peak. The number of electric passenger movements between 06:00 and 10:00 Mondays to Fridays has, in any case, decreased from 150 in the December 2019 WTT to 131 today. In its response to our comments, NR replied on 26 June 2020 (Appendix D) “this has not been amended in the TPRs for Version 4 to remain consistent with the Sectional Appendix. I will continue to look into this restriction as I agree that it requires further clarification to the wording and timings.” No further progress has been forthcoming.

5.4 Stratford junction margin: GBRf did not agree the new margin or its subsequent amendment as there is no need for a margin. The two moves listed are parallel with one another and do not conflict.

5.5 Ilford junction margins: new margins were added due to an apparent need for greater separation (than the normal headway of 2 minutes) when following a freight train running from the Down Avoiding line to the Down Electric line at this location. It was pointed out to Network Rail at TPR forums and in the TPR response that there is practically no difference between freight trains joining the Down Electric line from the Down Avoiding line and those already on the Down Electric line: both have a 25mph speed limit (as per the Sectional Appendix extract on page 4 of Appendix C). NR’s misunderstanding appears to come from a minor line speed change at this location that had not, at that time, been reflected in the Sectional Appendix, despite being present on the ground. Photographic evidence of the line speed was provided, but NR has yet to remove the margin or propose a logical alternative.

5.6 Shenfield junction margin: GBRf did not agree the change as the margin was too generic for the various possibilities of conflicting moves and no details of how the value was derived were supplied. Originally proposed at 5 minutes, the margin was reduced to 4 minutes in version 4 of the 2020 rules (NR response 26 June 2020, Appendix D) but still without any calculation detail. Depending on the origin of the first train, the time taken for it to clear the relevant track circuit will vary. Similarly the route through Shenfield station for the second train could be any of the five through platforms (although only three would be regularly used), and the signalling arrangements (and therefore the time taken) will also vary. GBRf agrees that there should be junction margins for these conflicts, but they need to be properly determined before publishing.

5.7 Harlow Mill freight yard: a new entry introduced a minimum 15-minute interval between arrivals at the location. GBRf objected to the change as the necessary level of separation between arrivals will vary considerably depending on whether the arrivals are from the north or the south, the length of the trains and type of wagons being used, how they are shunted upon arrival, which of the two terminals are being used, and the need to run round on arrival and/or again prior to departure, depending on the destinations of the return workings. Additionally, this specific 15-minute rule does not account for paths that are arriving from different origins but are in fact using the same unloading slot within the yard, neither of which are intended to run on the same day but would still need to be timetabled. It would not be reasonable to have the whole described in TPRs given the many possible combinations: the allocation of unloading slots and on-site working can only be managed on a weekly basis once the various customer orders are known. This is normally orchestrated by the customers themselves (and between the freight operating companies) as we are perfectly aware that we cannot have two trains unloading in the same terminal at the same time. In its response to our comments, NR replied on 26 June 2020 (Appendix D) “no changes are being made to this margin in Version 4. There have been repeated delays a [sic] this location in the past, which we believe underlines the need for a margin to be specified until a better management system is in place”. No further progress has been forthcoming since. NR has however not stated what delays were incurred or how, or what management system could reasonably be instituted given the foregoing.

5.8 Canonbury West Jn planning restriction: the addition of this note introduces a statement of the obvious that two trains cannot be present on the single line section (to/from Finsbury Park). Even if two trains were following one another, the headways section of the TPRs demonstrates this adequately. The rule is also potentially ambiguous in using the words “from Finsbury Park”. As there is a single section between Canonbury West Jn and Highbury Vale Jn, and then two separate single lines to/from Finsbury Park (one unidirectional, the other reversible), it is feasible to have a train heading from Finsbury Park towards Highbury Vale Jn, while one is heading from Canonbury West Jn towards Highbury Vale Jn.

**6 DECISION SOUTH FROM THE PANEL**

6.1 In respect of the National TPRs GBRf requests that the Panel determines that NR must adhere to the determination of TTP1069 by a specific date that the Panel considers reasonable, and that the services included in the section “Infrastructure Measurement services running at a frequency of more than 1 in 13 weeks” that do not meet that threshold be removed.

6.2 Anglia planning geography (March South): the Panel is requested to determine that this TPR entry should revert to its description and meaning as published prior to the change made by NR.

6.3 Anglia power supply restrictions (Barking area): GBRf requests that the panel determines that the relevant sections relating to this restriction are removed from the TPRs.

6.4 Stratford junction margin. GBRf requests that the Panel determines that the relevant junction margin is removed from the TPRs.

6.5 Ilford junction margins. GBRf requests that the Panel determines that the relevant junction margins are removed from the TPRs.

6.6 Shenfield junction margin: GBRf requests that the Panel determines that the relevant junction margin is removed from the TPRs pending agreement of a correct set of values.

6.7 Harlow Mill freight yard margin: GBRf requests that the Panel determines that the relevant margin is removed from the TPRs.

6.8 Canonbury West Jn planning restriction: GBRf requests that the Panel determines that the relevant entry is removed from the TPRs.

**7 APPENDICES**

The Claimant confirms that it has complied with Access Dispute Resolution Rule H21.

Appendix A: National TPRs 2023 v4.0 (pages 42, 92 and 94 to 119 are relevant)

Appendix B: Determination of TTP1069 (page 17 is relevant)

Appendix C: Extracts of Anglia TPRs version 4.0 as referenced above

Appendix D: NR response 26/06/2020 to GBRf’s comments on 2021 TPRs version 3.0 (extract)

1. **SIGNATURE**

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| For and on behalf of GB Railfreight Limited  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signed  -----------------------------------------------------------  Print Name  J.K. Bird  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Position  LTP Timetable Manager  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

20 October 2022