

TTP2687 Grand Central Sole Reference Document

1. DETAILS OF PARTIES

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

(a) Grand Central Railway Company Limited (Company Number 03979826) whose Registered Office is at 1 Admiral Way, Doxford International Business Park, Sunderland, Tyne and Wear, SR3 3XP. ("Grand Central" or "GC", "the Claimant"); and

(b) Network Rail Infrastructure Limited (Company Number 02904587) whose Registered Office is at Waterloo General Office, London, SE1 8SW. ("Network Rail" or "NR", "the Defendant").

(c) Grand Central's correspondence address for this matter is Suite 2A, 20 George Hudson Street, York YO1 6WR. The main contacts are *[redacted]*

1.2 No other affected parties have been identified at this stage.

2. THE CLAIMANT'S RIGHT TO BRING THIS REFERENCE

2.1 This matter is referred to a Timetabling Panel ("The Panel") for determination in accordance with Condition 2.7.4 and 5.1 of Part D of the Network Code.

2.2 The Claimant has a Track Access Contract with Network Rail to operate Non-franchised Passenger Services. The Contract commenced on 1st August 2014 and following approval and consolidation of the 31st Supplemental Agreement now expires on the Principal Change Date 2038. The Claimant is therefore an Access Beneficiary (and by extension a Timetable Participant) This reference to the Timetabling Panel is made under Part D 2.7.4 and 5.1 of the Network Code.

3. CONTENTS OF REFERENCE

The Sole Reference includes:-

- (a) The subject matter of the dispute in Section 4;
- (b) A detailed explanation of the issues in dispute in Section 5;
- (c) In Section 6, the decisions sought from the Chair in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (d) Appendices and other supporting material.

4. SUBJECT MATTER OF DISPUTE

4.1 This is a dispute regarding the allocation of capacity during the preparation of the New Working Timetable for December 2025. It relates specifically to the rejection of Grand Central's bids for additional paths between Bradford and London, and York and London, in each direction, every day of the week. The number of paths rejected was 6 Monday to Friday, 6 on Saturdays and 2 on Sundays. The relevant paths are listed in Appendix 1

4.2 This dispute arises over Network Rail's interpretation of Condition 4.2 of Part D of the Network Code.

At the Priority Date for the December 2025 timetable GC had an expectation of access rights for the additional services between Bradford/York and London based on its application to the ORR dated 20 May 2024 (28th Supplemental Agreement¹) and subsequently corrected, with ORR's permission, in October 2024. This application also included proposals for new local services between Wakefield and Bradford and for calls at Seaham in most Sunderland services. Whilst there are still some issues with the paths offered for local services these points are not relevant to this Dispute.

4.3 Grand Central has firm rights until the Principal Change Date (PCD) in December 2038 (subject to meeting the investment conditions within its Track Access Contract) to operate 6 trains per day (5 on Sundays) each way between Sunderland and London King's Cross and 4 trains per day (including Sundays) each way between Bradford Interchange and London King's Cross via Mirfield, Wakefield Kirkgate and Doncaster.

Between July 2020 and January 2024 GC was regularly represented on the East Coast Main Line (ECML) Event Steering Group (ESG) that developed the framework for the timetable that is now to be implemented in December 2025. However, after the ESG was wound up in January 2024 GC had no direct involvement in further development of the timetable.

Grand Central submitted its bid for the December 2025 timetable on the Priority Date.

Since Grand Central gave notice of this Dispute the Office of Rail and Road (ORR) has published its decision on the proposed 28th Supplemental Agreement,² a request for rights to operate additional and amended services. This decision also included partial approval of Lumo and Hull Trains proposals, included paths to/from London so text relevant to Grand Central is highlighted in Appendix L Whilst some elements of Grand Central's application for rights were approved the proposal for additional paths between Bradford/York and London was rejected. One key reason for this decision was Network Rail's representation to ORR stating that Grand Central's proposals could not be accommodated in the December 2025 timetable. This is the central issue in this Dispute.

Grand Central intends to submit a revised bid for additional trains to operate in the May 2026 timetable on the Priority Date (8th August) and to simultaneously consult on a revised proposal for access rights to support this bid. Details will be provided to the ADC Secretary as soon as possible.

4.4 Copies of relevant extract(s) from the document(s) referred to above are provided as Appendices.

¹ Appendix K: GC proposed 28th Supplemental Agreement Form P

² Appendix L: ORR open access decisions letter 29 July 2025

- 4.5 Documents that are relevant to the dispute:
- List of additional paths bid but rejected
 - Schedules for additional paths as bid, split by day of week
 - GC additional paths: train graphs Doncaster to Kings Cross
 - NR 'intention to reject' letter dated 31st March and subsequent correspondence between Claimant and Defendant
 - Declarations of Congested Infrastructure
 - Capacity analysis of ESG timetable: use of standard hour slots at King's Cross
 - Access Management and Licensing Regulations extracts (Reg 26)

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

5.1 Decisions arising in the preparation of a New Working Timetable

The first communication GC received from NR after submission of the December 2025 timetable bid was NR's **'intention to reject' letter dated 31st March 2025³** – though NR claim it was only sent on 7th April. The letter stated that: *"Network Rail write to inform you that we will not be able to accommodate the following train slots in the NWTT in accordance with Network Code D2.4.6"*. A list of rejected paths is shown in Appendix A. The full letter is shown in Appendix M.

Grand Central understood this to mean that NR intended to reject all bid schedules for additional Bradford/York to/from London services under clause (a) of Condition D2.4.6. **No reason for non-accommodation was given at this point in the letter.** Instead, it was followed by a long explanation about NR's general concerns regarding the delivery and performance of the December 2025 timetable. This made reference to, amongst other things, *"a large volume of performance analysis which has been conducted across the East Coast Main Line (ECML) geography throughout this [ESG timetable] project"*.

Network Rail gave no details about studies or reports that made up the large volume of performance analysis, nor how they might relate to the rejection of GC's bid for additional paths.

The reasons then given for the intended rejection of GC's additional trains were:

- a) The services were not included in the **original ESG train service specification (TSS)**.
- b) **As a result**, they were not incorporated into the additional Advanced Work completed between April and September 2024, or into the performance modelling and analysis for this timetable.
- c) Network Rail has **applied the Network Code Decision Criteria** in accordance with D4.6 and has taken relevant factors into consideration.
- d) **[Network Rail's] analysis** indicates that the proposed service is likely to have a detrimental impact on overall network performance and would adversely affect the delivery of a robust and reliable timetable.

We deal with each of these points in turn.

- a) This is only partially true. Version 1.1 of the ECML ESG TSS⁴ dated 07/05/2021 specified 5 Bradford trains per day in each direction for GC. Whilst this was not six, as subsequently bid, it was one more than the four that operate today. The TSS was only amended when implementation in May 2023 was being considered and TOCs were challenged to explain how they would resource their proposed service levels. At that time GC

³ Appendix M: 'Intention to reject' letter from NR

⁴ Appendix J: ECML ESG ITSS (version 1.1) 7 May 2021

was only able to resource 4 trains per day each way between London and Bradford.

The 'not in the ESG timetable' challenge might hold water if the Prior WTT for December 2025 was indeed the timetable agreed at the end of 2023 just before the ESG was wound up in January 2024. However, we know that significant timetable development took place from then right up until the Priority Date in March 2025. GC had no direct involvement in any of this work. The work included additional trains for Lumo and Hull Trains that were also not included in the 'original ESG TSS' but have been included in the December 2025 WTT and consequently been granted access rights by ORR.

b) In May 2024 GC made an application to the ORR for access rights for all the additional services included in the December 2025 timetable bid. There was adequate time for NR to include these services in both its additional advance work on the timetable and subsequent performance modelling but NR chose not to. However, other TOCs' services that were **not** included in the original ESG TSS were included in that work. Amongst these were Northern (semi-fast Durham coast, semi-fast Leeds Sheffield), East Midlands Railway (additional hourly Newark Castle to Lincoln), Hull Trains (additional return trip Hull to London) and Lumo (additional trips London to Newcastle in each direction). **These are offered in the December 2025 timetable.**

Regardless of these points, Network Rail still had an obligation to consider GC's bid paths and to include them in the New Working Timetable if they conformed with the TPR and any conflicts with competing paths could be resolved by use of NR's flexing rights. This is spelt out clearly in Condition D4.2.2 of the Network Code: *"Network Rail shall endeavour wherever possible to comply with all Access Proposals submitted to it in accordance with Conditions D2.4 and D2.5 and accommodate all Rolled Over Access Proposals, subject to the following principles:*

- *[conformance with the Rules (TPR)]*
- *[consistency with Firm Rights]*
- *[use of NR Flexing Right where needed]*
- *[accommodation of Firm Rights before Contingent Rights or expectation of rights]"*

c) GC notes that NR did reluctantly acknowledge that bid paths did comply with the TPR (see 5.2) when challenged by GC on this point. Despite obliquely referencing platform conflicts NR never advised GC that any other bid paths conflicted directly with GC's proposed paths, at least not to the extent that a simple use of its Flexing Right would not resolve them.

Condition 4.2.1 states the following:

"In compiling a New Working Timetable in accordance with Condition D2.6, Network Rail shall apply the Decision Criteria in accordance with Condition D4.6 and conduct itself as set out in this Condition D4.2."

GC therefore maintains that the application of the Decision Criteria was incorrect as there was no decision to be made. GC is confident that all paths could have been accommodated. This point about capacity is examined further in 5.3.

5.2 GC response to 'intention to reject' letter

GC's Planning Manager responded to NR regarding the 'intention to reject' letter on 25th April. This included the following points:

- There was a lack of hard numerical evidence regarding the likely impact on performance.
- The performance modelling only reported on Monday to Friday 14.00 to 20.00 which excluded many paths bid by GC

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- A suggestion that NR might exercise its flexing rights by adding performance allowance approaching specific bottlenecks (Hitchin Up and Doncaster Down) and an offer to work with NR on finding the best way to address performance concerns
- A specific request for NR to say whether the bid was TPR-compliant
- Advance notification of this dispute if NR still rejected all additional paths at D-26

NR responded on 2nd May

- To explain what other factors were taken into account in NR's assessment of the performance impact of the additional GC paths, but again without any hard numerical or otherwise practical evidence on what that impact would be
- To reject the idea of adding performance allowance
- To offer to *undertake a more detailed assessment of the proposed flexing options* (presumably those proposed by GC) *to confirm whether any revised proposal could partially mitigate concerns*
- To confirm – in rather uncertain terms – that the bid “*paths (are) broadly compliant with the established headline planning rules*” and to reference “*platforming conflicts and crossing moves identified*” – though without any guidance as to what those were.
- To offer to continue to work collaboratively with GC.

Although GC's Planning Manager accepted the invitation to spend a day working with a NR planner in Milton Keynes ahead of the Timetable Offer, that time was spent mostly resolving issues with local services and ECS paths that NR also wanted to reject. Little or no time was spent considering the additional London paths. No further evidence of performance degradation has been provided and no details of any detailed assessment of flexing options have been provided. We can only assume that work was not carried out.

In view of the lack of quantitative evidence of the performance impact of accommodating GC additional paths the Claimant has now commissioned independent Railsys performance modelling work to assess the likely impact of adding GC's proposed London paths to the offered December 2025 WTT. The report is expected on 31st August having been delayed by difficulties obtaining infrastructure data and planning assumptions.

GC's only other recourse has therefore been to wait for the final decision – the Timetable Offer – and to raise this Dispute. Although we have no hard evidence it seems to GC that NR has decided – or perhaps been advised – not to offer any new paths to GC for the December 2025 timetable, even where capacity can be shown to exist. We address the details of available capacity in the following section.

5.3 Capacity Analysis

The December 2025 timetable has developed from the regular pattern timetable built by the ESG membership and NR planners. Whilst the pattern is not entirely standard it does make use of defined slots for arrival and departures at Kings Cross. Unsurprisingly, there are some differences in morning and evening peaks.

GC has analysed the proposed use of weekday standard hour slots for arrivals and departures at Kings Cross and the related Fast Line paths between there and Woolmer Green in the December 2025 timetable. The analysis was based on the Prior WTT but the offered timetable appears to contain the same number of slots. The slots are almost identical to those created in the ESG timetable, suggesting that the structure has been preserved at least at the south end of the ECML.

On the bottleneck section between Digswell Jn and Woolmer Green Jn there are 16 slots an hour for most of the day with two additional slots in each peak (generally only used in the peak direction). Off peak, there are 8 long distance high speed (LDHS) slots and 8 outer-suburban (GTR) slots each hour. In the peaks there are two

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additional Peterborough services and two additional services on the Cambridge line. Further details, including some nuances to the pattern, are contained in Appendix 7⁵, *Dec 2025 PWTT Capacity Analysis*.

The purpose of GC's analysis was to determine whether all the standard LDHS slots have been used within the December 2025 timetable. They have not, but there aren't many left unused. Those not yet allocated between 06.00 and 21.59 are (for Kings Cross):

Arrivals: 07.23, **08.23**⁶, 11.44, 13.36, 14.44, **15.36**⁷, 17.36, 18.14, **20.17**, 20.44 and 21.14
Departures: 07.00, 08.15, **09.00**, 10.00, **15.15**, 20.54, **21.00**, 21.24 and 21.54

GC's proposed additional services use the slots shown in bold type. Only the 20.17 arrival is non-standard. However, this does match other hours in the day when extra arrival slots at 11.17, 13.17 and 15.17 are allocated to Hull Trains and the following LNER train is delayed by 2 or 3 minutes. In practice GC has found a path arriving at Kings Cross at 20.25 that avoids delaying any other train. Five of the six slots requested by GC for additional Bradford or York trains are therefore in standard ESG timetable paths at the south end of the ECML. GC is at a loss to understand why these paths can't be used in the December 2025 timetable.

GC cannot see any reason why the weekend paths cannot be accommodated since the Declarations of Congested Infrastructure relate only to weekdays (see 5.4 below). We provide **train graph evidence of capacity** for these paths in Appendix C⁸. The graphs show the proposed GC path (bold line) south of Doncaster for each train in the context of the offered December 2025 timetable. In a few locations the graphs show minor conflicts but that is largely because they are the original bid paths shown in the context of the offered timetable. We have identified solutions for all of these. Essentially, **there is clearly capacity for all these paths south of Doncaster**. Furthermore, NR has not made GC aware of any other bids that were competing for these slots.

As far as GC's bid for additional trains is concerned, virtually all the bid paths match a standard hour arrival or departure slot at King's Cross as identified in the ECML ESG timetable. This structure has been maintained in the proposed December 2025 timetable. In only one hour (Monday to Friday) does an additional GC train take the total number of trains per hour over Welwyn Viaduct beyond 16 and that is in the Up direction at around 20.00. We note that this number is already exceeded in the morning and evening peaks as well as 09.30 - 10.30 to accommodate a Hull Trains path alongside an LNER service that competes for the same slot.

5.4 Congested Infrastructure

A Declaration of Congested Infrastructure (DoCI) is required by AM&L Regulation 26(1)⁹ *"Where, after the coordination of requests for capacity and consultation with the applicants in accordance with regulation 23(4), it is not possible for the infrastructure manager to satisfy requests for infrastructure capacity adequately, the infrastructure manager must declare that element of the railway infrastructure on which such requests cannot be satisfied to be congested."*

On 14th March 2025 Network Rail declared the following ECML route sections congested¹⁰:

- Huntingdon North Jn to New England North Jn (Peterborough)
- Doncaster Marshgate Jn to Leeds Copley Hill West Jn and

⁵ Appendix B: Dec 2025 PWTT capacity analysis

⁶ But there is an additional (off-pattern) arrival at 10.00

⁷ Probably needed for a GTR ECS move

⁸ Appendix C: Train graph extracts Doncaster to Kings Cross for GC additional paths

⁹ Appendix D: Access Management and Licensing extract Regulation 26

¹⁰ Appendix 5: Declarations of Congested Infrastructure

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A similar Declaration for Northallerton Longlands Jn to Newcastle King Edward Bridge South Jn is not relevant to any paths referenced in this Dispute.

The second is not relevant to any paths bid to be routed via Shaftholme Jn and Pontefract Monkhill, which accounts for 9 of the 14 paths at issue in this Dispute.

Both DoCI state that *“Congestion is most likely to occur between the weekday hours of 06:00 and 21:00”*.

This means that **none of the eight weekend paths at issue** in this Dispute, **nor the Monday to Friday path at 21.00 from King’s Cross** to York, are covered by the Declarations. We therefore see no reason why any of these paths have been rejected out of hand.

Significantly, each DoCI also states that *“This declaration does not mean that all new requests for access on the designated infrastructure will be automatically rejected because the route is not equally busy at all times of the day or week”*. This is the case for the Marshgate Jn to Copley Hill West Jn where **we have found good paths for all five trains** – two on weekdays, two on Saturdays and one on Sundays - **planned over this route** between Marshgate Jn and Hare Park Jn. Section 5.3 provides more details of the capacity found.

The DoCI were made between the December 2025 Priority Date and the ‘intention to reject’ letter from NR to GC. It is therefore **surprising that the declaration of ECML route sections as Congested Infrastructure has not been given as a reason for rejection of GC additional services**. Instead, in NR’s detailed analysis of paths (see NR’s letter of 31st March) the main reason for rejection is *fighting* – the sequencing of trains in groups at or near minimum headway. In nearly all cases in this analysis the route section seen as being problematic is between Hitchin and Belle Isle, which is not one of the route sections declared congested.

5.4 Constraining Capacity Utilisation through the Timetable Planning Rules

These GC proposals have been treated as ‘the straw that breaks the camel’s back’ as far as performance is concerned. NR has failed to demonstrate why this is the case. This particular point has echoes of TTP2591 where NR seemed arbitrarily to have decided that a Freightliner train was the one that tipped one particular route over the safety ‘cliff edge’ in relation to level crossing downtime¹¹. TTP2591’s Determination then goes on (para 73) to suggest Timetable Planning Rules (TPR) General Capacity Constraints be used for conveying train count limits to planners.

If the sheer number of services is seen as being critical to performance and the allocation of capacity, NR should have included a limit to the number of trains per hour over relevant critical sections in section 5.2.2 of the TPR, General Capacity Constraints. This has been used on North West and Central, for example on routes MD301 Rugby Trent Valley to Penkridge; MD306 Birmingham New Street to Kings Norton and NW6001 between Manchester Piccadilly and Deansgate. See Appendix S¹² for these examples.

As long as Timetable Participants have a say in defining and agreeing the General Capacity Constraints, once they are in place it becomes clearer how many trains can be accommodated and therefore much simpler for NR to reject bids for new paths where this number is exceeded. **NR has chosen not to set General Capacity Constraints for any ECML route sections.**

¹¹ Appendix G: TTP2591 Determination extract (paragraph 68)

¹² Appendix S: North West & Central TPR extract - General Capacity Constraints

5.5 **Flighting – good or bad?**

In NR's 'intention to reject' letter¹³ the detailed analysis of the reasons why paths should be rejected relies heavily on arguments about the position of those paths within a 'flight'. The implication is that positioning a path anywhere within a 'flight' is detrimental to performance. This is, at best, misleading.

Flighting refers to the grouping and sequencing of train paths at or near minimum headway with fast / non-stop trains preceding slower / stopping trains. The aim is to optimise use of capacity, which is especially important on a busy railway such as the ECML. From that perspective, flighting is intrinsically a good thing.

At some point in a pattern of trains the flight ends (with the slowest train) and a new flight starts after an appropriate interval. The problem identified by NR is that the first train in a new path inevitably catches up, at least to some extent, with the last train in the previous flight. If this occurs at a location where routes diverge or trains are looped for overtaking the risk of delay is reduced. This can be compensated for, to some extent, by the introduction of a short time gap – referred to by NR as a firebreak. However, too many firebreaks will severely compromise available capacity.

Minimum headway in the TPR is an agreed value for planning purposes. It is generally agreed to be around 25% longer than the technical headway, which is the minimum possible time for one train to follow another through a location based on the constraints of the signalling system. For example, a busy suburban railway might support a technical headway of 120 seconds, giving a theoretical capacity of 30 trains per hour. The planning headway would typically be agreed as 120 + 30 seconds i.e. 2½ minutes, thus limiting the capacity for planning purposes to 24 trains per hour. Each firebreak added reduces capacity by at least 1 tph.

GC maintains that flighting is essential for designing a high-capacity and well-performing timetable. We do not accept that flighting is detrimental to performance.

5.6 ***Incorrect application of the Decision Criteria***

In 5.1 GC argued that there was no need to apply the Decision Criteria as all paths could have been accommodated. If the Chair rejects this argument GC further maintains that **NR's application of the Decision Criteria was handled incorrectly** as it did not take account of all relevant factors or apply reasonable weightings to those factors it did consider.

Network Code D4.6.1 states that *"Where Network Rail is required to decide any matter in this Part D its objective shall be to share capacity on the Network for the safe carriage of passengers and goods in the most efficient and economical manner in the overall interest of current and prospective users and providers of railway services ("the Objective"). "*

GC argues that the Objective takes primacy over the Considerations listed in D4.6.2. The same argument was made in the Chair's Determination for TTP2591 (paras 75-79)¹⁴. With regard to the current Dispute the Objective makes no direct reference to performance. Performance undoubtedly has some bearing on the interests of current users of railway users and providers but must be seen in the context of efficient and economical carriage of passengers and goods.

NR claims it has taken relevant factors into account when applying the Decision Criteria (and specifically the Considerations in D4.6.2). However, they appear to have given a 100% weighting to consideration (c), maintaining and improving train service performance, **without any quantification of the benefits** of not including GC additional services in the timetable.

¹³ Appendix M Network Rail 'intention to reject' letter 31 March 2025

¹⁴ Appendix G TTP2591 Determination (extract)

NR claims to have given some weighting to Consideration D4.6.2 (b) – spread of services - and D4.6.2(j) – enabling operators to use assets efficiently. To do this properly they should have consulted GC in advance to ensure these points were properly assessed: they did not. Nor did they take the commercial interests of GC into account (Consideration (f)). As detailed below these Considerations are important to GC and to users – current and future – of its services.

GC has proposed additional services precisely to fill large gaps in the Bradford to London service group. Currently the first northbound service leaves London at 10.56. In the December 2025 (Monday to Saturday) timetable this moves to 11.17. The bid paths include an earlier departure at 09.00. The large gap of over 3 hours between the 13.17 and 16.25 departures is plugged by the proposed 15.15 departure.

In the opposite direction a proposed 12.42 departure fills the 5 hour gap between the 10.43 and 15.43 Bradford departures. This is supplemented by a 16.56 Bradford departure which provides a significantly later arrival in London than is currently achievable. It also makes much better use of rolling stock by providing a second round trip between Yorkshire and London on the same unit diagram.

As reported in *Modern Railways (June 2025 – Informed Sources)*¹⁵ Grand Central currently achieves the lowest annual mileage per unit of all British long-distance high-speed operators. Mileage per unit is particularly poor on the West Riding service group because there is little opportunity for more than one out-and-back journey per day. The proposed additional services go some way towards improving asset utilisation – particularly important when investing in new trains.

6. DECISION SOUGHT FROM THE CHAIR

- 6.1 GC is seeking a Determination that, as a matter of principle, Network Rail should have attempted to show whether any or all of the bid paths could be accommodated in the New Working Timetable for December 2025; and that this should have been based solely on conformance with the Timetable Planning Rules or, where there was competition for a given slot, priority of rights determining which Timetable Participant should be allocated the capacity.

GC is also seeking, as a matter of principle, a Determination that, unless otherwise required by the TPR, a valid path should not be rejected purely on the grounds of performance, however that is assessed by NR.

GC is also seeking a Determination that NR did not act fully in accordance with Part D of the Network Code and should have accommodated at least some of GC's additional services in the December 2025 New WTT..

The failure to include these additional paths in the December 2025 timetable has been prejudicial to the ORR decision on access rights for these services. NR's claim that there is no capacity was a key factor in that decision. If the Chair determines that NR has not acted fully in accordance with Part D of the Network Code in dealing with GC's timetable bid for December 2025 GC seeks the following remedies:-

- a. Require Network Rail to include the GC paths previously rejected as strategic capacity slots in the development of the May 2026 timetable. This is a practical way for Network Rail to reconsider its decision to reject bids for additional paths in the December 2025 WTT, as allowed for in D5.3 (i) of the Network Code.
- b. Require Network Rail to provide GC with any quantitative evidence regarding train performance used to decide that additional GC paths could not be accommodated in the December 2025 New Working

¹⁵ Appendix F: LDHS rolling stock annual mileages (Modern Railways June 2025)

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Timetable (WTT) so that GC is able to address specific performance concerns. The evidence should distinguish between weekday and weekend performance and clarify whether any quantitative modelling of weekend paths was actually carried out ahead of publication of the WTT for December 2025.

- c. Require Network Rail to provide additional representations to ORR on the ability to accommodate GC additional paths in the December 2025 timetable, reflecting correctly the evidence provided through Remedies a) and b).
- d. Require Network Rail to collaborate with GC on efforts to accommodate modified proposals for additional paths in the May 2026 timetable that are being bid on the Priority Date. This work should take proper account of all Determinations from this Dispute.
- e. Require Network Rail to include GC bid paths that are TPR compliant in any performance modelling carried out during development of the May 2026 WTT.

6.2 The Claimant is not seeking damages regardless of the Determination on the remedies sought.

6.3 The Claimant expects each party to the Dispute to bear its own costs.

7. APPENDICES

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

All appendices are either bound into the submission, and consecutively page numbered or clearly identified PDF documents provided alongside the submission. To assist the Panel, quotations or references that are cited in the formal submission are highlighted so that the context of the quotation or reference is apparent. A list of appendices is incorporated in the main submission. Any information only made available after the main submission has been submitted to the Panel will be consecutively numbered, so as to follow on at the conclusion of the previous submission.

8. SIGNATURE

For and on behalf of Grand Central Railway Company Limited



Signed _____

Chris Hanks _____
Print Name

Timetable Strategy Lead _____
Position

6th August 2025 _____
Date

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List of Appendices

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B	Capacity analysis of Dec 2025 SX Fast Line paths from/to Kings Cross	SRD	13 - 14
C	Train graph extracts Doncaster to Kings Cross for GC additional paths	SRD	15 - 28
D	Access, Management and Licensing Regulations extract (Reg 26)	SRD	29
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F	LDHS rolling stock annual mileages (Modern Railways June 2025)	SRD	31
G	TTP2591 Determination – extract	SRD	32
H i) to iii)	Appendix H (i) GC rejected paths SX – schedules Appendix H (ii) GC rejected paths SO – schedules Appendix H (iii) GC rejected paths SuO – schedules (Not specifically referenced but provided as relevant information.)	Separate	PDF
J	ECML ESG TSS (version 1.1) 7 May 2021	Separate	PDF
K	GC proposed 28th Supplemental Agreement – Form P extract	Separate	PDF
L	ORR open access decisions letter 29 July 2025	Separate	PDF
M	NR 'intention to reject' letter 31 March 2025	Separate	PDF
N	GC response to 'intention to reject' letter 25 April 2025	Separate	PDF
P	Further letter from NR 2 May 2025	Separate	PDF
Q	NR confirmation letter - final rejection 9 July 2025	Separate	PDF
R	Declarations of Congested Infrastructure	Separate	PDF
S	North West & Central TPR extract - General Capacity Constraints	Separate	PDF

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Appendix A: Grand Central paths for December 2025 rejected by Network Rail

Train ID / days	Train description
1A68MT (SX)	16:56 Bradford Interchange – London Kings Cross
1A68CH (SO)	16:56 Bradford Interchange – London Kings Cross
1A71MT (SX)	12:47 Bradford Interchange – London Kings Cross
1A71CH (SO)	12:43 Bradford Interchange – London Kings Cross
1A83MT (Sun)	09:46 Bradford Interchange – London Kings Cross
1D80MT (SX)	09:00 London Kings Cross – Bradford Interchange
1D80CH (SO)	09:00 London Kings Cross – Bradford Interchange
1D83MR (Sun)	13:46 London Kings Cross – Bradford Interchange
1D84MT (SX)	15:13 London Kings Cross – Bradford Interchange
1D94MT (SO)	15:13 London Kings Cross – Bradford Interchange
1Y59GC (SX)	06:06 York – London Kings Cross
1Y59GC (SO)	06:00 York – London Kings Cross
1Y88MT (SX)	21:00 London Kings Cross – York
1Y88MT (SO)	21:00 London Kings Cross - York

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Appendix B: Capacity analysis of Dec 2025 SX Fast Line paths from/to Kings Cross

This analysis is based on paths in the Prior WTT.

Departures 0700 to 1559

FL departure slots 0700 to 1559 inclusive are:

00, 03, 10, 14-18, 24 (GN), 30, 33, 40, 47, 54 (GN)

'14-18' indicates that there is one slot used at any time between xx14 and xx18 in each hour

There is an additional path at 1044 (HT), making 9 LDHS paths altogether (excluding the GN trains) between 1030 and 1129

The departure slots not used 0700 to 1559 inclusive are:

0700

0815

0900 Proposed GC Bradford path (the 0917 path being taken by HT)

1000

1515 Proposed GC Bradford path (though currently timed to depart 1513)

Departures 1600 to 1959

After 1600 the evening peak departure pattern kicks in. LDHS departure slots 1600 to 1830 inclusive are:

00, 03-04, 08-10, 12-13 (mostly GN), 18 (GN), 24-27, 30, 33, 39-40, 42 (mostly GN), 48 (GN), 54 (GN)

The 1613 slot is used by a Lincoln train while the 1712, 1812 and 1912 are all GTR paths to Peterborough. The 1642 and 1742 slots are also GTR Peterborough paths. However, the 1842 slot is used for a Newcastle and the 1942 slot for a train to Lincoln. The 1625 slot is a GC Bradford service and the 1927 is a Sunderland service. The other peak uses of this slot are 1724 and 1824 to Cambridge.

All departure slots between 1600 and 1959 are used. **Note that between 1800 and 1859 there are 13 Fast Line departures from Kings Cross.** The additional slot is the 1845 to Middlesbrough, which is facilitated by the 1842 being an LDHS (Newcastle) rather than a (slightly slower) Peterborough service.

Departures 2000 to 2159

After the evening peak the timetable reverts (almost) to the off-peak pattern. The LDHS departure slots are:

00, 03, 08-09, 18, 24, 30, 33, 40, 48

The 2018 slot is used by Hull Trains but the other xx18 and xx48 slots are all GTR (Ely/Kings Lynn) paths. The xx54 slot is not used in either hour.

The departure slots not used 2000 to 2159 inclusive are:

(2054)

2100 Proposed GC York path

2124

(2154)

Summary of unused departure slots

Overall, on Monday to Friday between 0700 and 2159 there are just 9 unused 'standard' departure slots. Two hours have one extra LDHS path added.

Grand Central proposes to use 3 of these unused standard hour slots. It is not proposing to have any additional departures (or arrivals) in the evening peak period identified above.

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Arrivals 0700 to 1029

LDHS paths unless indicated as GN. '28-30' indicates that there is one slot available at any time between xx28 and xx30 in each hour.

FL arrival slots 0700 to 1029 inclusive are:

03 (GN), 07-09 (GN), 14, 17 (some GN), 23, 28-30, 33-35 (GN), 37-39 (GN), 44, 47 (GN), 50-51, 57-58

This gives a total of 12 FL arrivals in the AM peak pattern. There are additional LNER arrivals at 0831 and 1000. The 0947 arrival is LNER not GN. The 1003 slot is used by a GC Bradford arrival, with the 1007 slot being an arrival from Kings Lynn.

The arrival slots not used 0701 to 0959 inclusive are:

0723

0823 Proposed GC arrival from York to form 0900 to Bradford Int

1017 (But note additional arrival at 1000)

Arrivals 1001 to 2159

After 1000 the standard off-peak arrival pattern kicks in and is maintained with few exceptions until 2200.

FL arrival slots 1001 to 2159 inclusive are:

02-03 (GTR), 07-08, 14-15, 20-23, 28-30, 32 (GTR), 36-38, 44-45, 51-52, 58

The arrival slots not used 1001 to 1800 inclusive are:

1144 (But see note below about additional arrival at 1117)

1336 (But see note below about additional arrival at 1317)

1444

1536 Proposed GC Bradford path

1644 May be needed for ECS for GN evening peak services

1736

1814

2044

2114 (But see note below about additional arrival at 2102)

There are additional arrival slots at 1117, 1317 and 1517 for trains from Hull.

GC is proposing a 2017 arrival for the last up train from Bradford Interchange but this would require a minor retiming of the following LNER train to match what happens for trains from Hull earlier in the day. There is also an additional slot at 2102 for the last arrival from Sunderland which is facilitated by a swap with a GTR arrival slot.

Chris Hanks

5 June 2025

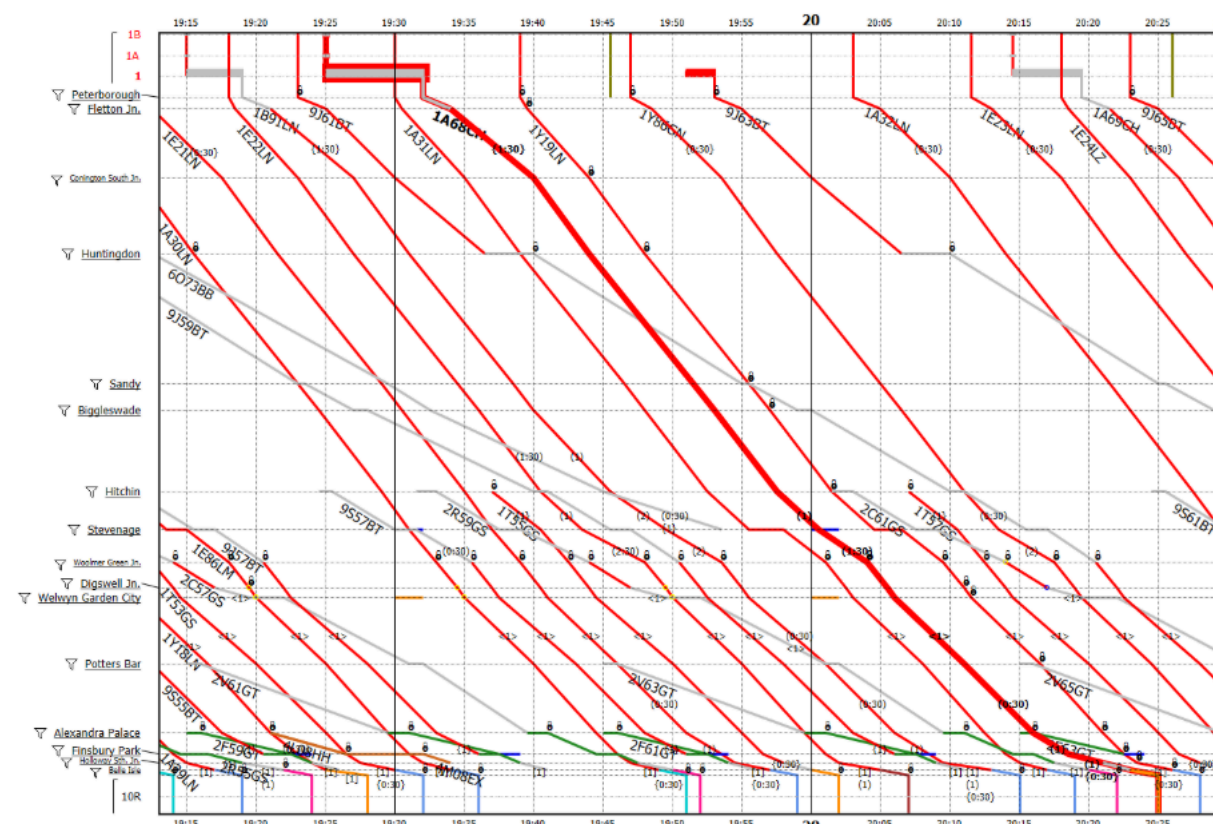
1A83 09.46 Bradford Interchange to London Kings Cross



1D83 13.46 London Kings Cross to Bradford Interchange



1A68 16.56 Bradford Interchange to London Kings Cross



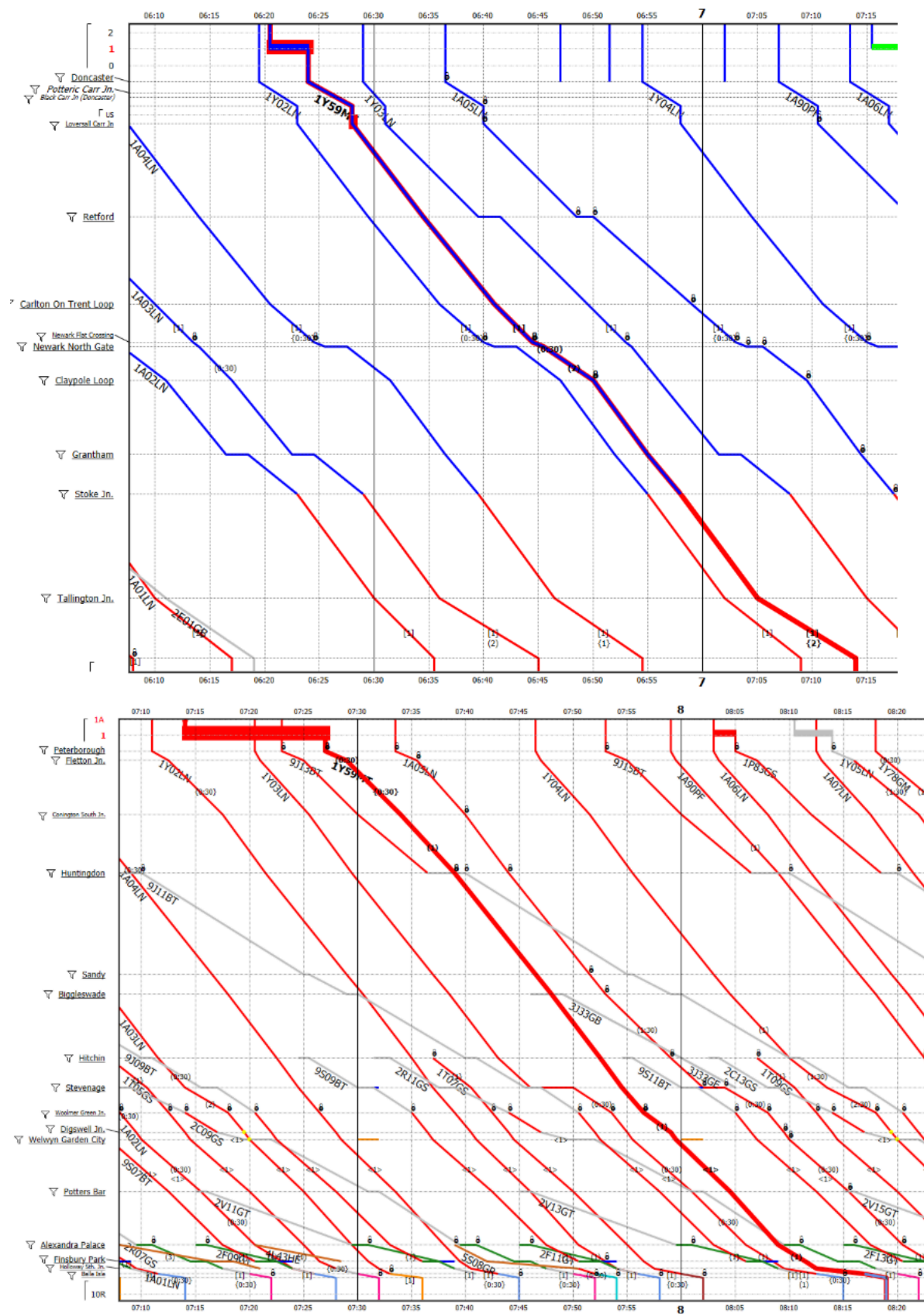
1Y88 21.00 London Kings Cross to York



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Saturday

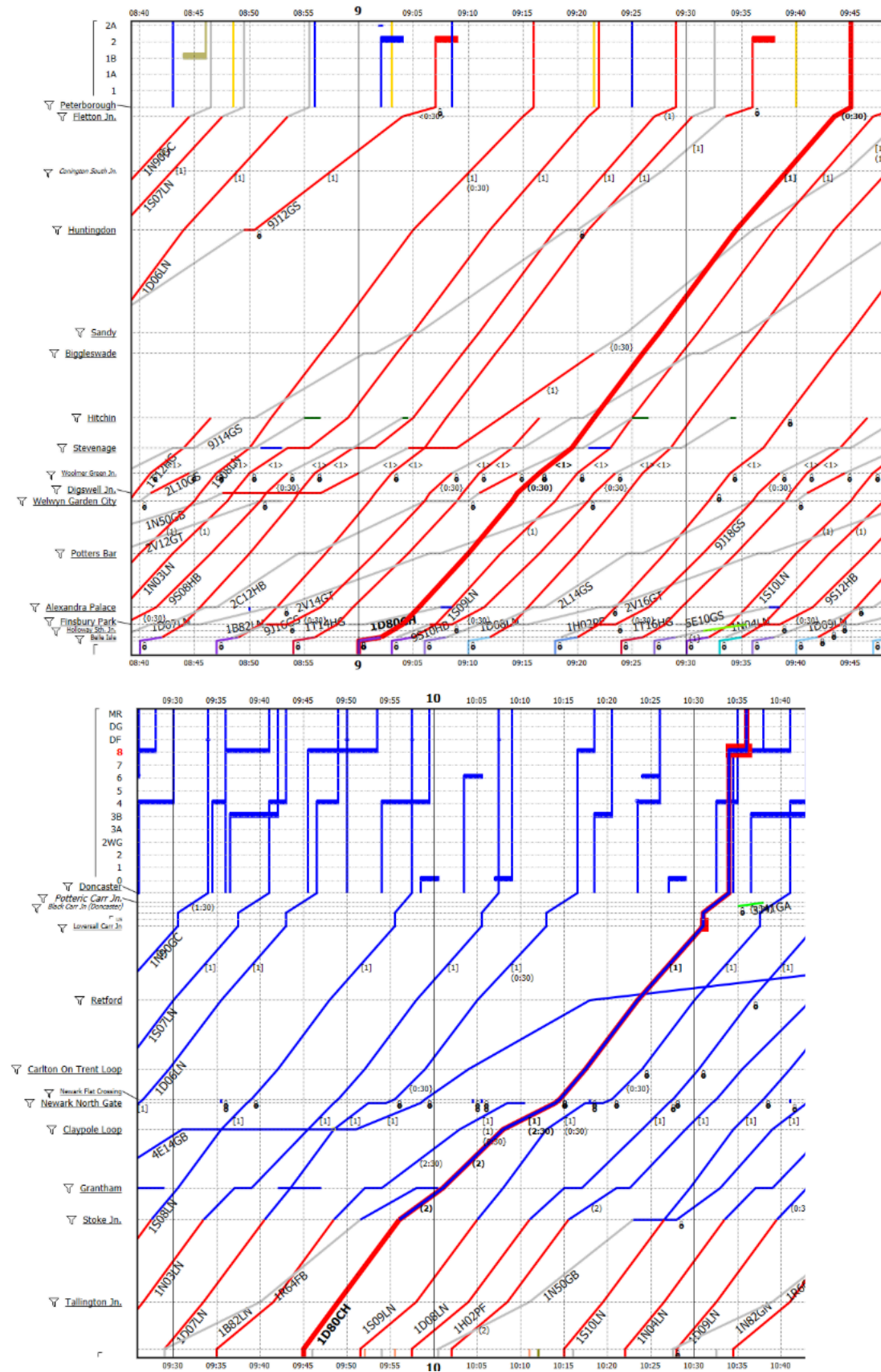
1Y59 06.00 York to London Kings Cross



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Saturday

1D80 09.00 London Kings Cross to Bradford Interchange

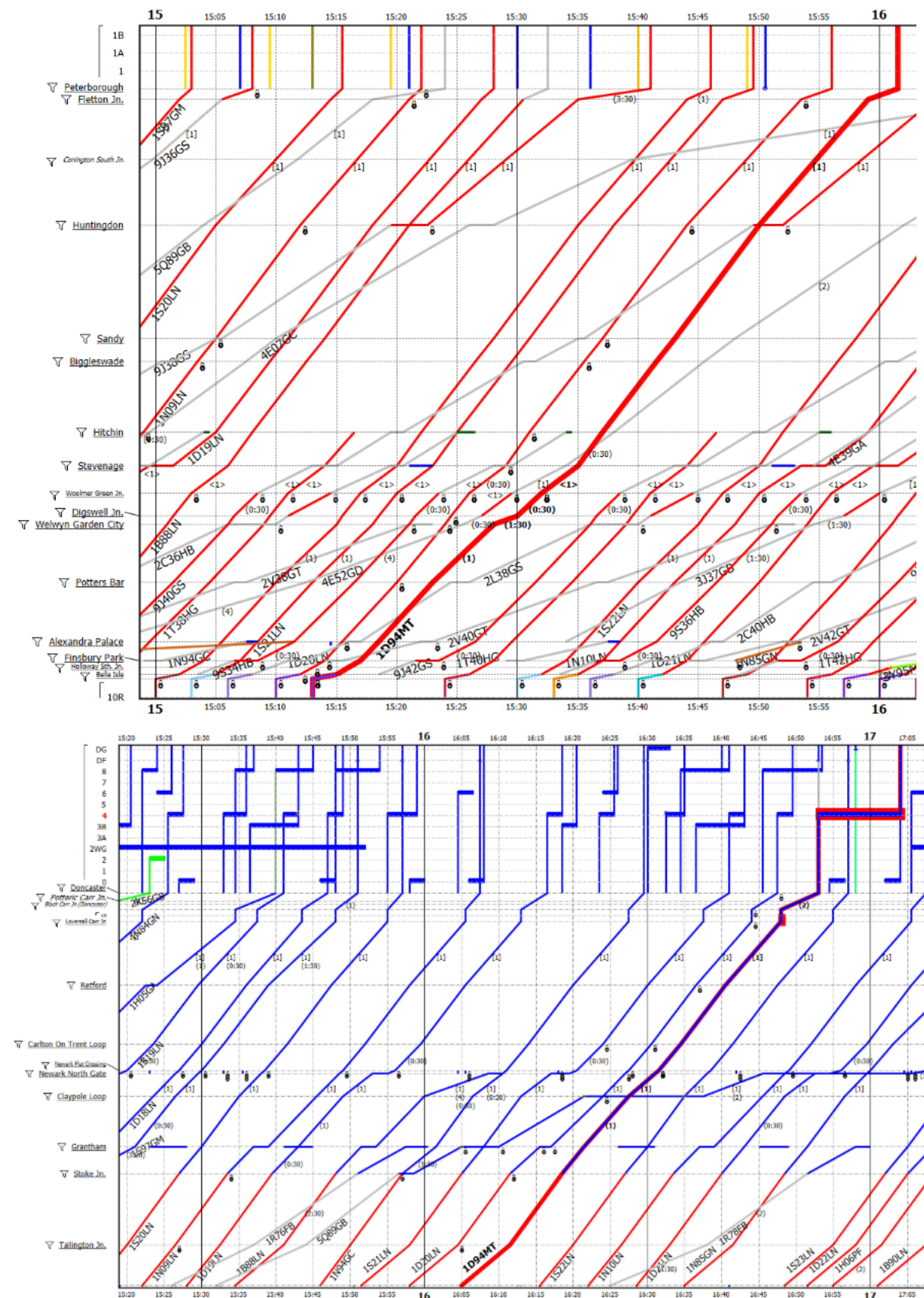


Saturday

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Saturday

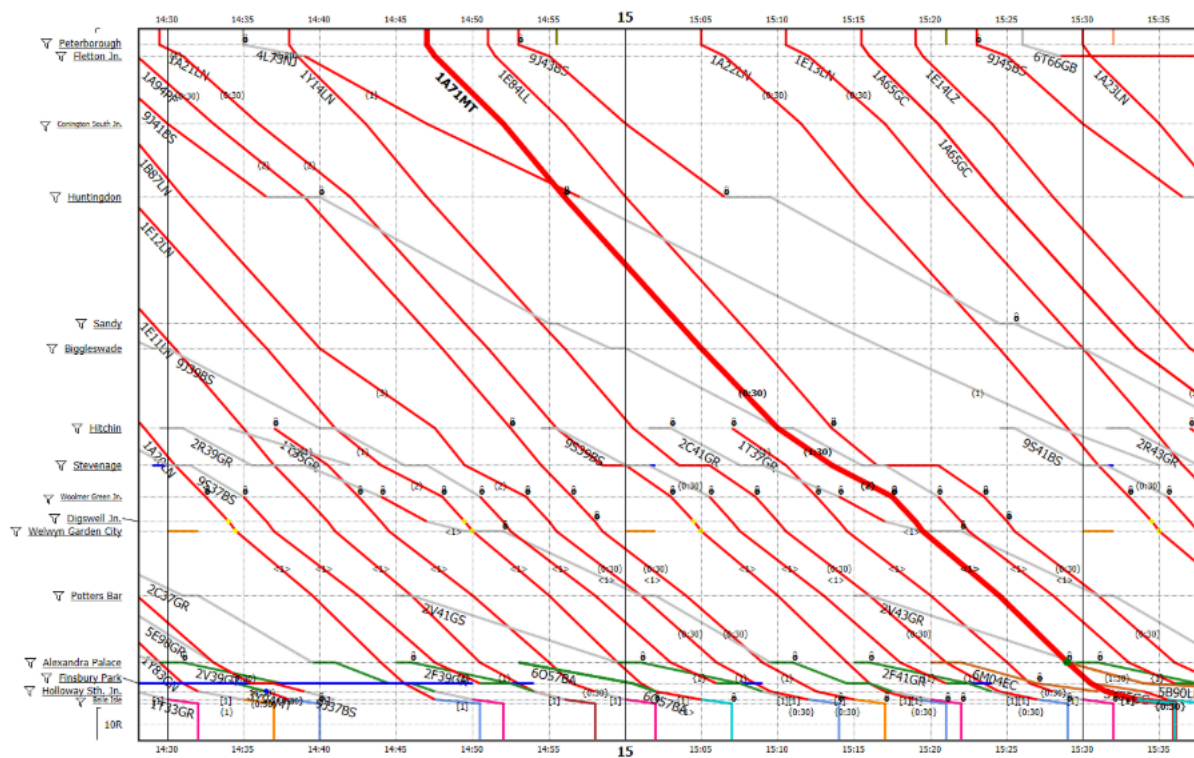
1D94 15.13 London Kings Cross to Bradford Interchange



1A68 16.56 Bradford Interchange to London Kings Cross



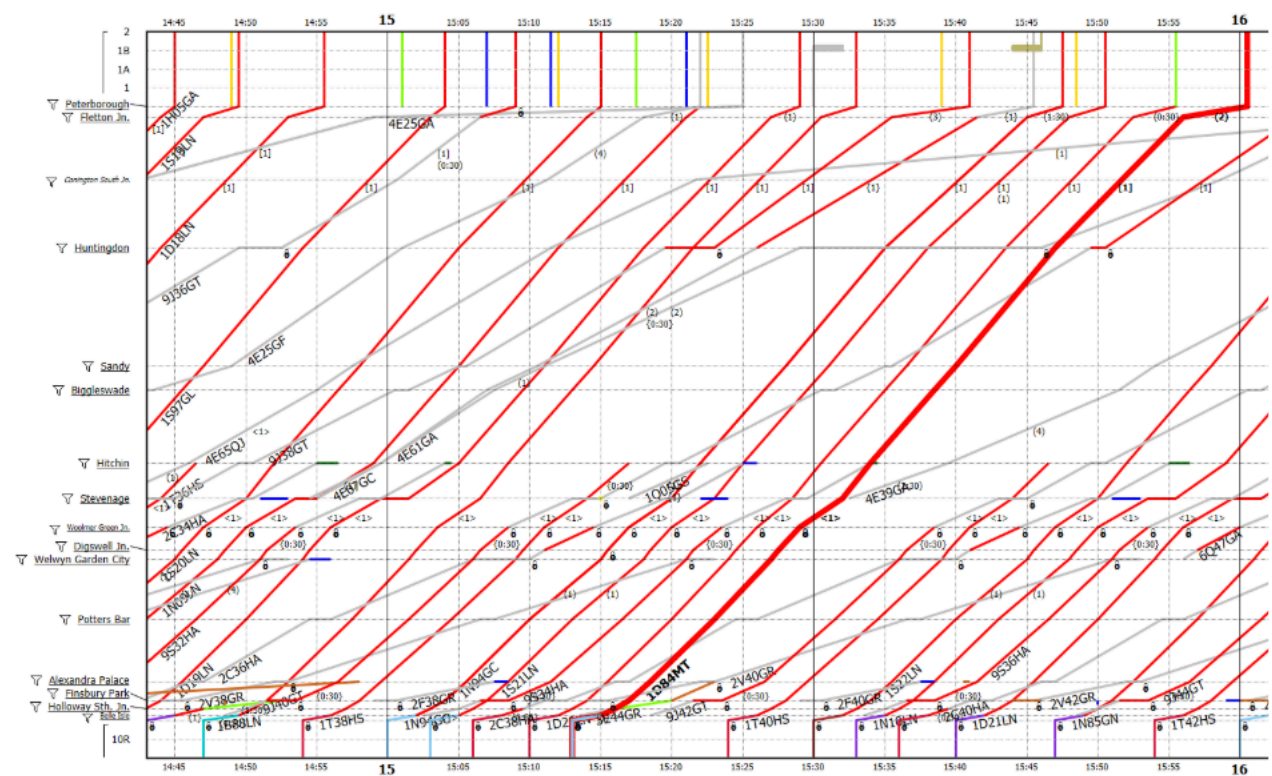
1A71 12.47 Bradford Interchange to London Kings Cross



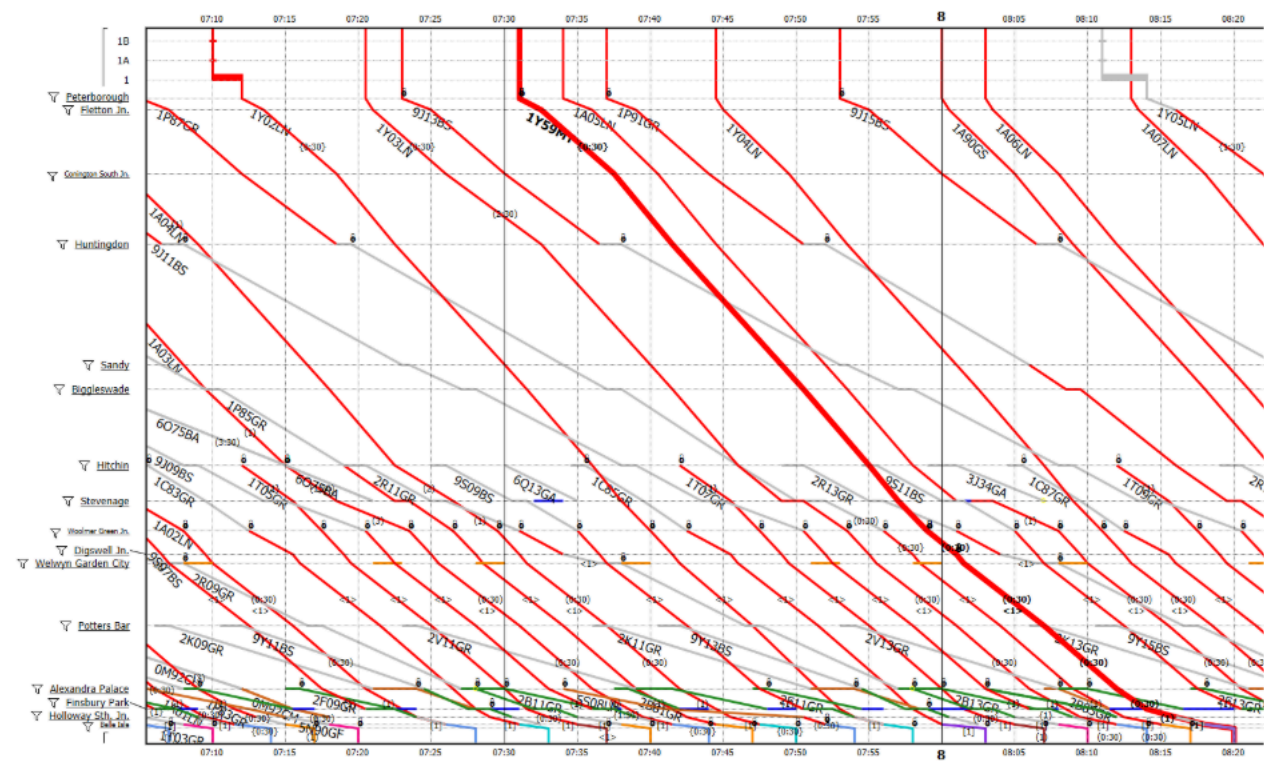
1D80 09.00 London Kings Cross to Bradford Interchange



1D84 15.13 London Kings Cross to Bradford Interchange



1Y59 06.06 York to London Kings Cross



1Y88 21.00 London Kings Cross to York



Appendix D: Railways (Access, Management and Licensing) Regulations 2016 extract (Reg 26)

Congested infrastructure

26.—(1) Where, after the coordination of requests for capacity and consultation with the applicants in accordance with regulation 23(4), it is not possible for the infrastructure manager to satisfy requests for infrastructure capacity adequately, the infrastructure manager must declare that element of the railway infrastructure on which such requests cannot be satisfied to be congested.

(2) Where, during the preparation of the working timetable for the next timetable period, the infrastructure manager considers that an element of the railway infrastructure is likely to become congested during the period to which that working timetable relates, the infrastructure manager must declare that element of the railway infrastructure to be congested.

(3) When railway infrastructure has been declared to be congested under the provisions of this regulation the infrastructure manager must inform—

(a) existing users of that railway infrastructure;

(b) new applicants for infrastructure capacity which includes that element of the railway infrastructure which has been declared to be congested;

(c) the Office of Rail and Road;

(d) the Secretary of State; and

(e) where any element of the railway infrastructure which has been declared to be congested is in Scotland, Scottish Ministers

(4) Where railway infrastructure has been declared to be congested in accordance with paragraph (1) or (2), the infrastructure manager must undertake a capacity analysis of the congested infrastructure, as described in regulation 27, unless a capacity enhancement plan, as described in regulation 28, is in the process of being implemented.

(5) When an element of the railway infrastructure has been declared to be congested in accordance with paragraph (1) or (2) and either—

(a) a charge as described in paragraph 1(8) of Schedule 3 has not been levied; or

(b) the charge described in sub-paragraph (a) has been levied but has not achieved a satisfactory result, the infrastructure manager may set priority criteria for the allocation of infrastructure capacity which includes that congested element of the railway infrastructure.

(6) The priority criteria referred to in paragraph (5) must—

(a) take account of the importance of a service to society, relative to any other service which will consequently be excluded; and

(b) ensure that freight services, and in particular international freight services, are given adequate consideration in the determination of those criteria.

(7) For the purposes of paragraph (6) an international freight service is a transport service where all wagons of the train cross [the border between the United Kingdom and the European Union]; the train may be joined or split and the different sections of the train may have different origins and destinations.

(8) If during the course of the working timetable period to which the declaration of congested infrastructure relates, but before the completion of the capacity analysis, the congestion is resolved, the infrastructure manager may revoke the declaration made in accordance with paragraph (1).

(9) Where paragraph (8) applies, the infrastructure manager must inform the persons described in paragraph (3) that the declaration has been revoked.

[Source: www.legislation.gov.uk]

Appendix E: Not used

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Appendix F: LDHS rolling stock annual mileages (Modern Railways June 2025)

The following table is extracted from an article in the Informed Sources section of Modern Railways Magazine from June 2025. It is referenced in the last paragraph of section 5.6.

TABLE 4: ANNUAL MILEAGES 2024-25			
P10 2024-25	Total fleet miles pa	Number of units	Miles per unit pa
LNER	15,224,469	73	208,554
IC West Coast	15,427,983	75	205,706
Great Western	17,116,723	93	184,051
Cross Country	13,034,333	61	213,678
TPE	13,840,489	82	168,786
Grand Central	1,538,290	12	128,191
Hull Trains	1,204,969	5	240,994
Lumo	1,323,018	5	264,604

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Appendix G: Extract from Determination in respect of TTP2591

Paragraphs 68, 71 and 73 are referenced in SRD section 5.4. Paragraph 79 is referenced in section 5.6.

68. The question was then posed as to whether there was one crossing at which it could be said that 4L73 was the one train that would be the straw that broke the camel's back. In answering this question, the discussion turned to the Tilbury Loop, which had attracted 87 additional TOVRs between the relevant WTT being offered and the hearing date. Some were amendments of existing WTT paths, or TOVRs amending other TOVRs, but none had been through the TCRAG process. But nobody could tell NR when this process would stop. While NR was not seeking to limit TOVRs, the question arose of the effect of just 'one more train'. The upshot was a huge increase in freight traffic and volume over the last five years. Every other TOVR than 4L73 had been accepted through mitigation, but one factor was that 4L73 would operate on the West Anglia Main Line. At Wharf Lane and Windmill Road, adding 4L73 to the other 400 trains per day did lead NR to the conclusion that this was the one train too many.
69. Examples of mitigation measures were then discussed.
70. The Panel turned back to 4L73 and examined the details of its proposed path over the key crossings. In this context it was suggested by NR that a congested infrastructure declaration was not appropriate where restrictions might only be required for two hours per day.
71. Once again, we were reminded that much of this discussion related to Q3, and the desirability (or need) for operators to be aware of NR's perception of constraints. I reminded NR that nothing that I was saying was criticising the process being adopted by NR, but related to the visibility of the process, or the publicity that it was receiving.
72. A question then obtained confirmation that other Routes and Regions had level-crossing risk managers similarly engaged, even though job titles might differ. An issue was the different ways in which high risk crossings had been identified over time.
73. In discussing how these issues could be conveyed to operators, it was suggested that the General Capacity Constraints section in the relevant TPRs might be appropriate.
-
75. This led to a discussion as to whether NR was sufficiently well informed to be able to weigh Consideration (j), the efficient use of operators' assets, appropriately. Attention was drawn to NR having given this low importance. In response, NR accepted that it wasn't sure that this had been directly discussed. NR explained that it had been highly co-operative with FLL since the announcement of freight shipping moving from Felixstowe to London Gateway, but this still didn't confirm whether there had been a direct conversation. FLL confirmed NR had been co-operative, but said the plans had been at such an early stage FLL would not have been able to provide NR with the necessary information at that time.
76. At this point it was put directly to NR that the Decision appeared to be pre-determined and predicated on the level-crossing risk, so whatever was set out in the Decision Criteria document, all the other Considerations were rated as low in comparison. This was not directly addressed by NR, as the discussion reverted to the utilisation of assets.
77. The Panel then compared NR's approach as set out in Considerations (b) and (j), with NR effectively saying under (j) that if 4L73 could not run it would have no impact on FLL's assets as FLL could reallocate its assets elsewhere, whereas (b) (ensuring that the spread of services reflects demand) was not properly reflected as there was a demand, because FLL had a contract to run the train. In effect, it was suggested that every Decision was being made on the issue of level-crossings, which does not meet the entirety of the Objective.
78. At this point NR expressed the view that it was being hoisted on its own petard; under pressure to respond quickly to TOVRs, but then risking censure if it came to a hearing with a Decision Criteria document containing typos or other errors. In this case, NR had exposed its thinking for industry comment and disagreement.

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79. My response was that we had already explained why we felt that D3.3.8 could not be imposed where discussions were continuing. As I felt that external lawyers rarely assisted a TTP, my preference was for documents to be drafted by railway managers; therefore I accepted errors and never expected perfect drafting, so long as it explained the thinking behind the document. Where NR could possibly attract censure is if it made up its mind on one factor and then bent the Decision Criteria to fit that factor, and that there is potential for criticism for being overwhelmed by one issue and then not looking at the Decision in the round. The Panel then observed that in the period of three months that the Decision had taken, a more rounded view could have been expected.

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Appendices H to S are contained in separate PDF documents. Each file name starts with the relevant appendix reference.