

Submission of Sole Reference to Timetabling Panel

Transport for Wales Rail Ltd

6 September 2026

1. DETAILS OF PARTIES

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

(a) Transport for Wales Rail Ltd (Company Number 12619906) whose Registered Office is at 3 Llys Cadwyn, Pontypridd, CF37 4TH ("TfWRL") ("the Claimant"); and

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

(c) TfWRL's contact details are Chris Dellard, Head of Access Planning *[redacted]*.

1.2 TfWRL is aware of one third party that may be affected by the TTP Finding in any of the ways sought in this reference, which is GB Railfreight Limited ("GBRf"). This has been conveyed to the Secretary of the ADC.

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 Network Code Condition D2.7.2 (right to appeal against any part of the New Working Timetable) and Condition D5.1 (Appeal in accordance with the ADRR).

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 Network Rail Decisions in the publication of the December 2026 New Working Timetable (NWT) which commences on 13 December 2026. The dispute arises from

Network Rail's decision to flex certain of TfwRL's Train Slots in ways that are unacceptable to TfwRL.

- 4.2 This dispute arises over the interpretation of Network Code Conditions 2.4 and 4.2.
- 4.3 TfwRL submitted a fully compliant Access Proposal for the December 2026 Timetable on 5th March 2026, at D-40. Network Rail published the NWTT on 12th June 2026, at D-26. In the NWTT, Network Rail had flexed certain of TfwRL's services on each Tuesday and Wednesday in order to accommodate Charter Train Slots. TfwRL responded to Network Rail on the published NWTT on 25 June 2026 and served a Notice of Dispute on Network Rail on 6 July 2026.
- 4.4 TfwRL does not accept the changes that Network Rail made to its Train Slots as bid, for three reasons:
- A) TfwRL is a public service operator and holds a Rail Services Agreement (RSA) with Transport for Wales which is a company wholly owned by Welsh Government. Whilst the RSA may not contain an explicit requirement for identical weekday timetables or platform allocations, TfwRL is contracted to deliver the agreed passenger service specification on behalf of Welsh Ministers and there is a clear expectation between the parties that passengers should receive a reliable, predictable and consistent service offering. Consistency of timetable and platforming is an important component of that customer proposition. Having different Train Slots on each Tuesday and Wednesday goes against this expectation.
 - B) Platforming changes put TfwRL's service offering at risk because it will increase the likelihood of disadvantaging passengers who will be subjected to unanticipated platform differences on two Weekdays during the week.
 - C) Unlike Passenger trains, Charter trains by their very nature do not consistently operate. This could give rise to situations where TfwRL's Train Slots on certain Weekdays are different to the rest of the week for no reason.
- 4.5 TfwRL does not accept the following specific changes to platforming that Network Rail made to TfwRL's requested Train Slots in the publication of the NWTT. Seven Weekday Train Slots have been replatformed by Network Rail onto a platform that is not ordinarily used for these services, undermining consistency.
- 1D15 1508 Birmingham International to Shrewsbury: platform change at Shrewsbury on WED only
 - 1J07 0808 Birmingham International to Aberystwyth: platform change at Machynlleth on WED only
 - 1J15 1208 Birmingham International to Aberystwyth: platform change at Machynlleth on WED only
 - 1J21 1630 Shrewsbury to Aberystwyth: platform change at Machynlleth on TUE only
 - 2G20 0629 Pwllheli to Machynlleth: platform change at Tywyn on WED only
 - 2J07 1055 Machynlleth to Pwllheli: platform change at Machynlleth on WED only
 - 2J15 1456 Machynlleth to Pwllheli: platform change at Machynlleth on WED only

More detail on these Train Slots, and the ways in which the published Train Slots differ from those that TfwRL included in its Access Proposal, is provided in **Appendix 1**.

- 4.6 In reviewing the above changes to platforming, it should be borne in mind the following constraints at the affected stations:
- 4.6.1 Platforming at Shrewsbury: this station has a complex and restricted layout, with Platforms numbered 3 to 7. Platform 3 is not accessible by passengers from within the main part of the

station: it is only accessible through a separate entrance at the front of the station which considerably lengthens walking time for passengers. As a result, it is rarely used for Passenger services. Platforms 5 and 6 are bays, primarily used by West Midlands Trains. Trains reversing between the Cambrian and Birmingham can also use the bay platforms, but they are limited to 4-car trains. Platform 4 is both a northbound and southbound platform and is also used for trains reversing between Cambrian and Birmingham. Platform 7 is only a southbound platform (and can also be used for trains starting at Shrewsbury towards Crewe; there is no northbound through route available).

4.6.2 Platforming at Machynlleth: Most Passenger trains towards Aberystwyth and Pwllheli are timetabled to use Platform 2. Passenger trains towards Shrewsbury are timetabled to use Platform 1.

4.6.3 Platforming at Tywyn: All Passenger trains are timetabled to use Platform 1 towards Machynlleth and Shrewsbury, and Platform 2 towards Pwllheli. Permanent directional passenger signage at the entrance to each platform directs passengers to the correct platform.

4.7 In the summer months the Cambrian route is an important holiday destination with high passenger numbers from the Midlands and beyond. Shrewsbury station and the stations on the Cambrian line see much higher passenger numbers, including people travelling with luggage. Inconsistent platforming on different days can significantly exacerbate operational and customer service issues for both passengers and staff and is not acceptable to TfWRL.

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

5.1 Timeline

5.2 The Belmond Britannic Explorer ("Belmond train"), operated by GBRf, is a seasonal luxury sleeper train accommodating up to 36 guests. It began operations on the Network in summer 2025. One of its itineraries includes Wales on a Monday, Tuesday and Wednesday.

5.3 TfWRL has been cooperating with Network Rail to help facilitate Train Slots for the Belmond train since we were first made aware of it in 2025. During 2025 the Belmond Train Slots were included in the Working Timetable presumably by way of Train Operator Variation Requests (TOVRs), in accordance with Condition D3 (Variations to the Working Timetable). Due to the short timescales, TfWRL felt obliged to assist by varying some of its Train Slots under Network Rail's Short Term Planning Process (STP) in order to limit the expected impact of the Belmond Train Slots.

5.4 The Belmond Train Slots were then included in the May 2026 WTT. Network Rail flexed certain of TfWRL's Train Slots to accommodate them. On 12 December 2025 TfWRL disputed the published May 2026 NWTT because of these changes to our Train Slots. We were unable to follow through with the dispute at the time. During the course of that timetable period, TfWRL received a number of complaints from passengers about changes to platforming and timings.

5.5 Despite the apparent desire to include the Belmond trains in the WTT, the Train Slots have in any case been varied through the STP process (presumably by way of TOVRs) on many occasions that they were due to operate. Recent examples showing in TRUST include:

Trains at MACHYNLLH

All trains from 00:01 to 24:00 on 25/08/26

Lc	Arr	Dep	Wttid	Origin	Destination	Typ	Days	From	To	TC
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17:21	18:03	1M70	LLNDRINDD	13:50	PWLLHELI	22:02	CAN	TO	180826	250826 XU [cancelled LTP Train Slot]
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17:21	18:02	1Z66	LLNDRINDD	13:52	PWLLHELI	22:30	STP	TO	250826	250826 XU [new STP Train Slot]
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Trains at MACHYNLLH

All trains from 00:01 to 24:00 on 26/08/26

Lc	Arr	Dep	Wttid	Origin	Destination	Typ	Days	From	To	TC
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11:02	****	1Z72	BARMOUTH	10:01	MACHYNLLH	11:02	STP	WO	260826	260826 XU [new STP Train Slot]
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****	14:44	1V72	MACHYNLLH	14:44	OXFORDUDP	21:48	CAN	WO	050826	020926 XU [cancelled LTP Train Slot]
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****	14:44	1Z73	MACHYNLLH	14:44	OXFORDUDP	21:48	STP	WO	260826	260826 XU [new STP Train Slot]
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Trains at MACHYNLLH

All trains from 00:01 to 24:00 on 01/09/26

Lc	Arr	Dep	Wttid	Origin	Destination	Typ	Days	From	To	TC
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17:21	18:02	1Z66	LLNDRINDD	13:52	PWLLHELI	22:30	STP	TO	010926	010926 XU [new STP Train Slot]
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17:21	18:03	1M70	LLNDRINDD	13:50	PWLLHELI	22:02	WTT	TO	190526	081226 XU [existing LTP Train Slot]
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Trains at MACHYNLLH

All trains from 00:01 to 24:00 on 02/09/26

Lc	Arr	Dep	Wttid	Origin	Destination	Typ	Days	From	To	TC
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11:02	****	1Z72	BARMOUTH	10:01	MACHYNLLH	11:02	STP	WO	020926	020926 XU [new STP Train Slot]
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****	14:44	1V72	MACHYNLLH	14:44	OXFORDUDP	21:48	CAN	WO	050826	020926 XU [cancelled LTP Train Slot]
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****	14:44	1Z73	MACHYNLLH	14:44	OXFORDUDP	21:48	STP	WO	020926	020926 XU [new STP Train Slot]
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This demonstrates to us that it is possible for Network Rail to manage the Train Slots on an STP basis and again causes us to question the reasons for including them in the WTT.

- 5.6 Network Rail made clear during the preparation of the December 2026 NWTT that it intended to include Belmond Train Slots in it, and that it would flex some of our Train Slots. We worked with Network Rail to limit the impact of this as best we could. On 16 July 2026 Network Rail emailed TfWRL to propose to date-split our Train Slots so the changes to platforming would only coincide with the expected start of operations of the Belmond train in spring 2027 (email correspondence in **Appendix 2**). While this would remove some of the impact on TfWRL, it does not go far enough as we would still have the risks of having to manage the trains on different platforms on two Weekdays during the week, from 22nd March 2027 onwards. We could not withdraw our dispute on this basis.
- 5.7 **Point of dispute no.1: validity of Network Rail's Flexing Right**
- 5.8 Like most Passenger train operators, TfWRL holds quantum-only access rights in its Passenger Track Access Contract with no contractual flexing rights. This allows Network Rail to flex TfWRL's Train Slots as is necessary to allow the construction of the NWTT, in accordance with its Flexing Right in Condition D4.2.2 (c).
- 5.9 However, since Network Rail began including the Britannic Explorer Train Slots in the WTT from May 2025, we have been of the view that the provisions in Part D do not allow Network Rail to flex our services to make way for a Charter Train Slot.
- 5.10 Since 2025, we have made clear to Network Rail that we would be happy to accommodate alterations to our Train Slots under STP, where we can retain targeted flexibility. While we have been able to accommodate some of the LTP alterations that Network Rail has made to our Train Slots, where there would be limited impact on our passengers, we cannot accept the platform alterations listed in Table A.

5.11 Our view is that Network Rail's flexing right does not permit it to flex a Passenger operator's train to make way for a Charter train that Network Rail has chosen to include in the WTT. Our interpretation rests on the following:

5.11.1 Network Rail has an entitlement to a Flexing Right under Condition D4.2.2 (c). But it did not have an entitlement to flex our Train Slots to accommodate a Charter Train Slot in the construction of the NWTT, because Network Rail flexed our Train Slots to make way for a Train Slot that had been incorrectly submitted to Network Rail in an Access Proposal.

5.11.2 Network Rail had no right to accept the Access Proposal because Charter operators only have TOVR rights. It is clear from a reading of paragraph 2 of Schedule 5 of GBRf's Charter Track Access Contract dated 19 December 2025 that the contract expressly confers the right for GBRf to submit TOVRs only (the relevant page is included in **Appendix 3**):

"2. The Services

2.1 Subject to paragraphs 2.2-2.5 and 3 below, the railway Passenger services permitted under this contract are those for which the Train Operator has made a Train Operator Variation Request in accordance with Part D of the Network Code and which Train Operator Variation Request Network Rail has:

- a) accepted or been deemed to have accepted; or
- b) modified, and that modification has been accepted or been deemed to have been accepted by the Train Operator."

5.11.3 ORR's own Track Access Guidance (27 February 2026) supports this position (the relevant page is shown in **Appendix 4**):

"3.45 The charter trains contract does not contain rights to any specific services but gives the operator the right to make a 'train operator variation request' in the timetabling process in Part D of the network code and, if Network Rail is able to include them in the timetable, to run the services."

5.12 Therefore Network Rail was incorrect in accepting an Access Proposal from GBRf at D-40 for a Charter Train Slot. This is important, because any Firm (or Contingent) Rights that are held by an operator and which allow the operator to submit an Access Proposal to include Train Slots in the WTT have previously been approved by ORR in its role as the regulator of Access to the Network. By incorporating other Train Slots into the WTT that do not have Access Rights, and are not entitled to have Access Rights, Network Rail has in effect made its own decision on Access to the Network without ORR's scrutiny and without the opportunity for other industry parties to be consulted on a track access application.

5.13 **Point of dispute no.2: validity of "reasonable expectation of rights"**

5.14 In an email from Network Rail of 20 August 2026, Network Rail set out for the first time its view that GBRf had submitted an Access Proposal containing the Belmond Train Slots in "expectation of rights":

"From Network Rail's perspective, the D-40 Access Proposal made it clear that the bid had been submitted in anticipation of obtaining the necessary rights".

The email elaborated:

“Network Rail is of the view that an expectation of rights assumes that the relevant Track Access Contract will subsequently be amended to reflect those rights, as is the case with the Track Access Contract for the Jacobite.”

Importantly, Network Rail’s email also made clear its right to remove Train Slots from the timetable that do not have access rights, although this right evidently was not used during the May 2026 Timetable:

“Separately, our view is that D8.4.1 would apply should GBRf/Belmond ultimately be unable to secure the necessary access rights for the charter paths included within the Dec 26 timetable offer and Network Rail may remove the relevant trains from the timetable where the conditions of that provision are met.”

For context, this email correspondence is provided in full in **Appendix 5** (with the above quoted parts highlighted).

- 5.15 A Timetable Participant can submit an Access Proposal where it has an “expectation of rights” in accordance with Condition D2.4.1 (a). Now that we are aware that Network Rail’s position has coalesced around an “expectation of rights” for the December 2026 Timetable we are able to provide our own views on this.
- 5.16 Firstly, we are unclear if Network Rail had also understood that there was an expectation of rights for the May 2026 timetable, and if so, what happened to that expectation; and on what basis the paths were retained in the May 2026 timetable in the absence of access rights.
- 5.17 Secondly, we are also unclear as to why the Access Proposal containing the Belmond Train Slots for December 2026 (or indeed May 2026 before it) was not declared at Network Rail’s Timetable Change Risk Assessment Group (TCRAG) (as we can find no reference to it in any outputs of those meetings), and what this means for Network Rail’s consideration of level crossing risks and other safety and performance factors that it normally takes into account when evaluating Access Proposals.
- 5.18 It is not for TfWRL to seek to test the veracity of Network Rail’s claim that GBRf had an “expectation of rights” when it submitted an Access Proposal. However, it is plain from the evidence we have seen, particularly Network Rail’s email of 20 August, that this line of thought is poorly formed and was not present at the point of submission of the Access Proposal at D-40. We have already identified that it would not be possible for an existing Charter Track Access Contract to be amended to include specific Access Rights.
- 5.19 As explained in point 5.11, TfWRL is clear in its view that the existing Charter Track Access Agreement that GBRf holds does not confer the right to submit an Access Proposal in any circumstance, and that there is no means to hold specified access rights in this type of track access agreement. On this basis, GBRf would need to have submitted its Access Proposal in expectation of securing a new Passenger Track Access Agreement. This would have to be a new track access contract and would presumably be similar to the WCRC Passenger Track Access Contract for the Jacobite services.
- 5.20 This would require GBRf to be a Potential Access Party (making it a Timetable Participant) by exercising an expectation of rights, and that Network Rail must have considered (acting reasonably) that the Train Slots in the Access Proposal would be supported by Firm or Contingent Rights in force during the Timetable Period (i.e. held in a Passenger Track Access Agreement by the time the first

services operate). We have not seen any evidence that this was the intention of GBRf or Network Rail at the point that the Access Proposal was submitted.

- 5.21 Network Rail included the Belmond Charter Train Slots in the May 2026 WTT and has included them again in the December 2026 WTT. The evidence we have from Network Rail plainly demonstrates that this was done for its own convenience, at the expense of TfWRL holding bona fide Access Rights held in accordance with decisions made by ORR in its role as the regulator of Access to the Network.

6. DECISION SOUGHT FROM THE CHAIR

- 6.1 The Chair is asked to determine that Network Rail had no right under Part D to Flex TfWRL's Train Slots on certain Weekdays in order to accommodate Charter Train Slots that it has included in the NWTT, because such Charter Train Slots only have TOVR rights and there can be no expectation of rights.
- 6.2 As a result of the decided principle above, and in exercise of its powers under Condition D5.3.1 (a), the Claimant invites the Chair to require that Network Rail varies TfWRL's affected Train Slots in the WTT on Monday and Tuesday to exactly match those same Train Slots as scheduled on Monday, Thursday and Friday.
- 6.3 There are no other issues to be decided.

7. APPENDICES

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

All appendices are bound into the submission, and consecutively page numbered. To assist the Panel, quotations or references that are cited in the formal submission are highlighted (or side-lined) so that the context of the quotation or reference is apparent.

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 Transport for Wales Rail Limited

Signed
Colin Lea

Print Name
Colin Lea

Position
Planning & Performance Director

Date
6 September 2026

