

Access Disputes Committee

TTP2042, TTP2043 and TTP2044

Directions issued on 19 May 22

1. While it is not my usual practice to issue Directions before receiving a Claimant's Sole Reference Document, all Parties will appreciate that this TTP is being expedited. It is against this background that I hope that my issuing Directions now may assist all Parties.
2. Having reviewed the Notices of Dispute, I note that GBRf refers to NR's proposal to amend certain TPRs as being incomplete, while Freightliner states that NR has not conducted itself in line with the processes set out in the Network Code.
3. In respect of proposals to amend TPRs, I have reminded myself of some of the obligations placed on NR and Timetable Participants. In Version 2.0 of the National Timetable Planning Rules 2023 I refer to 1.2.7, which states that: 'Changes to individual TPRs will be supported by evidence showing how the values were developed. Sources of evidence are to be agreed by the affected parties'.
4. Section 1.3 sets out greater details for the process of amending TPRs. Whichever Party proposes a TPR amendment, 1.3.2 sets out what must be included in the proposal, including at (c) 'Supporting evidence as agreed by Network Rail and affected parties' [my underlining]; at (e) that 'Network Rail will consult in accordance with the Network Code'; and at (f) 'Network Rail will document responses and decisions taken on implementation or otherwise, so that each TPR entry has an audit trail'.
5. Without limiting any Party in drafting its SRD (or a joint SRD if the Claimants so choose), it will be helpful to the Panel if the Claimants refer to these specific requirements, as well as those in Part D, and the extent to which they say that the requirements were or were not met, in their SRDs. If this is done then I have no doubt that NR will deal with the Claimants' points in its SRD.

[Signed on the original]

Clive Fletcher-Wood
Hearing Chair
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