

TTP2318 and TTP2320

Fourth Directions, issued on 10 November 2023

1. I am grateful to GBRf for its response of 09 November 2023 to recent Directions and to Network Rail for its Sole Reference Document.
2. A number of points emerge which will be dealt with at the hearing.
3. GBRf states that there are planned possessions which restrict capacity on the Hope Valley line beyond the restrictions because of the available infrastructure. (See GBRf's response to paragraph 18 of the Second Directions Letter). I infer that this is the possession (P2023/385835) referred to in the email on p6 of the Appendices to NR's SRD. That email refers to an email from Gary Fitton, which does not appear, therefore it is not clear why this possession could not be eased. **Will NR please confirm at the hearing what consideration, if any, has been given to cancelling, postponing or easing this possession and what penalties would be incurred if it were to be cancelled, postponed or eased.**
4. These Disputes relate to specific possessions and paths, but have raised longer term questions of general policy relating to Part D of the Network Code. These questions appear as paragraphs 5 – 9 below.
5. What steps have been taken to act on the ORR's letter to NR and the CRC of 20 December 2020 (a copy of which is attached for ease of reference)?
6. Linked with this, how do we define a Capacity Study and distinguish it from a Timetable Study (the definitions used in the Access Impact Matrix)? In this context I note that the Severity Bands 1 and 2 refer to Capacity Studies, the Severity Bands 3 and 4 relate to Timetable Studies, but this distinction does seem to be used widely within the industry.
7. Still on this point: at p36/7 of the Appendices to its SRD NR sets out a definition of Capacity Studies. What is the source of this definition and what authority does it have?
8. Are Capacity Studies that are prepared adequate (TTP2320) and being shared appropriately within NR (TTP2318)?
9. If either FOC substantiates a claim that NR has told them that it won't flex TOCs' services, how widespread is this and does it represent NR's policy?
10. GBRf has stated to the Secretary that even if its disputed paths are settled before the hearing date it wishes to pursue the points of policy raised by these Disputes. I am satisfied that the purposes of a TTP as set out in Chapter H of the Access Dispute Resolution Rules would entitle the Panel to deal with these issues.
11. However, I do not think that these issues can be dealt with adequately or appropriately during the hearing listed for 15th November 2023. This is not least because those in NR dealing with the details of these Disputes are not necessarily those most who can most appropriately deal with these longer term issues. Therefore, the hearing on 15th November 2023 is intended to deal only with the short-term issues. After that hearing I propose to issue an interim Determination of the short-term issues. The longer term issues will be adjourned to a date to be agreed, to give NR time to prepare its response to these questions, and to permit any other Resolution Service Party to become an Interested Party if it wishes to do so.

[Signed on the original]

Clive Fletcher-Wood, Hearing Chair TTP2318 and TTP2320