

## Hearing of TTP2517 and TTP2521

### First Directions – 16 October 2024

In these directions, I refer to Network Rail as NR and First Greater Western Limited as GWR.

By order dated 7 October 2024, the Allocation Chair has joined references TTP2517 and TTP2521 which relate to NR's decisions concerning capacity allocation during engineering access on the Great Western Mainline over the Easter Weekend, 2025.

Unless specified otherwise any expression which is capitalised is intended to be a reference to the relevant term as defined by Part D of the Network Code. The version of the Network Code Part D dated 5 August 2024 is applicable to these dispute proceedings.

I refer to GWR's Notice of Dispute issued on 24 September 2024 which frames the dispute as follows:

*“This dispute is being brought by GWR due to concern over ability to convey its passengers during the 4-day Easter 2025 Two Track possession. Based on the passenger loadings seen over Easter 2024 along with other intelligence provided to Network Rail there will be numerous instances of the capacity being imposed to Network Rail being insufficient to cover the demand. GWR maintains that the capacity study to be drawn up requires an additional path per hour to convey all passengers, and to mitigate the risk of safety issues associated with oversubscribed trains and the detrimental effect on customer satisfaction of overcrowding or of being left behind...”*

The issues raised in these disputes appear to bear close resemblance to the issues which were raised in other TTP determinations:

- 1) TTP2453, 2454, 2455, and 2456 (Hearing Chair John Hewitt)
- 2) TTP2243, 2244, 2245, 2260, and elements of 2251 (Hearing Chair John Hewitt)
- 3) TTP2207 (in which I was the Hearing Chair)

(together the “Earlier Determinations”)

In particular, GWR appears to wish to challenge NR's decision on maximum capacity for scheduled passenger services at 14.5tph, and GWR seeks alternative timetabling plans to be explored to create additional paths.

I remind myself that I have not yet seen the Dispute Parties' Sole Reference Documents but I understand via the Secretary that NR does not object in principle to these references being heard by a Timetabling Panel convened in accordance with Chapter H of the ADR Rules to hear an appeal under the terms of Network Code Condition D5.

I also remind myself that in accordance with ADR Rule A7 every Forum should take note of relevant published TTP determinations as persuasive authority, but need not be bound by them.

I also remind myself that ADR Rule H16 makes clear that it is an overriding objective of the ADR that disputes shall be administered in a way which is proportionate to a number of matters including, amongst others, the objective importance of the dispute to the Disputes Parties, and the complexity of the issues. (emphasis added)

For that reason, I consider that the Panel will be assisted by an early indication from GWR on the matters set out below which seek to clarify whether there are any material points of difference between what GWR wishes to argue on these references compared with one or more of the Earlier Determinations.

**For GWR**

The Panel would like by **4 PM on 18 October 2024** GWR to briefly confirm:

- (1) Whether the underlying factual basis for these references differs materially from the matters considered in one or more of the Earlier Determinations in GWR's reasonable view, and, if so, on what basis;
- (2) In particular, whether GWR contends that there is material new factual information on which it wishes to rely which was not before the Panel which heard references TTP2453, 2454, 2455, and 2456;
- (3) Whether GWR wishes to say anything materially different on these references from its previous submissions about NR's application of the Decision Criteria and/or its allocation of capacity during the two-track possession;
- (4) On what basis (taking into account the decisions reached in the Earlier Determinations) GWR contends that it would be appropriate to increase capacity during the two-track possession; and
- (5) Why GWR assesses in all the circumstances that it would be proportionate for these references to proceed to a hearing before the Panel

[Signed on the original]

Paul Stevenson  
Hearing Chair TTP2517 and TTP2521