

Second Directions, issued on 21 February 2025

Directions

1. I am grateful to the Parties for their replies to the First Directions.
2. As I understand the position, agreement has now been reached on the TPR values which were at the heart of this Dispute. Nor is there any issue about Network Rail's application of the Part D process.
3. There appear to be two remaining issues: firstly, whether a Timetable Impact Assessment ('TIA') is required.
4. The National TPRs do not seek to specify when a TIA should be undertaken, para 1.2.3 merely says that a TIA should only be undertaken 'if deemed necessary'. While in these circumstances that might seem unhelpfully vague, in fact I think that any attempt to reach a definition would fail, as the alternative possibilities are too many to permit any clear rule to be achieved. Nor am I aware of any precedents which would assist us.
5. A parallel might be the need for a capacity study in relation to Capacity Studies arising from Engineering Access Statements. Only when presented with a specific set of circumstances can industry parties form a view.
6. In this case it would be helpful for the Panel to have an indicative understanding of the scale of impact of the changes; do they affect multiple movements throughout the day, or only a handful of services late at night?
7. But in any event, if the TPRs are agreed, what point remains in undertaking a TIA?
8. Will Chiltern please respond by 1200 on Monday 24 February 2025 as to why it thinks that these circumstances justify the preparation of a TIA. NR is to please respond, by the same deadline, giving its indicative view on the likely scale of impact of the agreed TPRs, i.e. on what basis it formed its view not to undertake a TIA.
9. The second issue is that I also understand that Chiltern wishes to await the formal issue of the agreed TPRs. It is general practice in TTPs that if the Parties reach an oral agreement, the hearing is suspended initially, then the Dispute withdrawn once such a step has been taken. I am not persuaded that this approach needs to be varied in this Dispute.

[Signed on the original]

Clive Fletcher-Wood
Hearing Chair TTP2590