

Second Directions, issued on 27 March 2025

1. I am grateful to FL for serving its re-drafted SRD and answering the questions posed to it in the Directions issued on 25 March 2025.
2. The way in which the TTP is likely to approach this Dispute was set out in the first Directions. For the avoidance of doubt, the first question to be addressed is whether FL's bid was compliant. If so, should it have been accepted by NR, or deemed to be accepted under D3.3.8?
3. In this context, another matter has been drawn to my attention which needs to be addressed by NR in its SRD. Whether FL's bid was compliant will depend on whether the proposed movement of 4L73 through South Tottenham Station should properly be characterised as subject to an issue of headway timings, or of junction margin timings.
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4. While the relevant TPRs in place at the time of the bid show only one value, described as covering fouling moves, in the 2026 V1 and V2 TPRs NR has split out all the possible movements through South Tottenham, including the paths of 4L73 and 5Q98, but describes all these movements as being subject to junction margin values.
5. In the light of this development, the TTP will wish to understand how a move clearly characterised as attracting junction margin timings in the 2026 TPRs, can be regarded as having been subject to headway timings at the time of the bid.
6. I have already made it clear that even if the TTP were to determine that the bid was compliant, it will nonetheless go on to examine NR's selection and weighting of the Decision Criteria.
7. This raises a procedural question. If there are genuine safety reasons for refusing this bid, then presumably the reasons would apply equally to any train slower than a Class 4 freight train, which I imagine would also include any stopping passenger services. Can it be right that operators submitting a TOVR, or a bid in construction of the New Working Timetable, should only learn of this effective restriction on further traffic by the ad hoc method of having bids rejected?
8. NR must be prepared to address the TTP on whether Regulation 26 of the *Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016* applies in these circumstances.

[Signed on the original]

Clive Fletcher-Wood
Hearing Chair, TTP2591