

TTP2861 TTP2862 TTP2864 TTP2865 and TTP2866

Network Rail Defence Document

1 DETAILS OF PARTIES

1.1 The names and addresses of the parties to the reference are as follows: -

- a) Freightliner Limited (Company Number 03118392) whose Registered Office is at 6th Floor, The Lewis Building, 35 Bull Street, Birmingham, United Kingdom, B4 6EQ
 - b) Heavy Haul Rail Limited (Company Number 03831229) whose Registered Office is at 6th Floor, The Lewis Building, 35 Bull Street, Birmingham, United Kingdom, B4 6EQ
 - c) GA Trains Limited ("GA" - Company Number 12544897) whose Registered Office is at Albany House, Floor 8, 94-98 Petty France, London, SW1H 9EA
 - d) GB Railfreight Limited ("GBRf" - Company Number 03707899) whose Registered Office is at 5th Floor, 62-64 Cornhill, London, England, EC3V 3NH
 - e) First Rail London Limited ("FRL" - Company Number 16186446) whose Registered Office is at The Point, 8th Floor, 37 North Wharf Road, London, England, W2 1AF.
- Freightliner, Heavy Haul Rail, GA, GBRf and FRL are "the Claimants".
- g) Network Rail Infrastructure Limited ("NR" - Company Number 02904587) whose Registered Office is at Waterloo General Office, London, SE1 8SW (the Defendant").

2 CONTENTS OF THIS DOCUMENT

This Response to the Claimant's Sole Reference includes: -

- (a) Confirmation, or qualification, that the subject matter of the dispute is as set out by the Claimant in its Sole Reference, in the form of a summary schedule cross-referenced to the issues raised by the Claimant in the Sole Reference, identifying which the Defendant agrees with and which it disagrees with.
- (b) A detailed explanation of the Defendant's arguments in support of its position on those issues where it disagrees with the Claimant's Sole Reference, including references to documents or contractual provisions not dealt with in the Claimant's Sole Reference.
- (c) Any further related issues not raised by the Claimant but which the Defendant considers fail to be determined as part of the dispute;
- (d) The decisions of principle sought from the Chair in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (e) Appendices and other supporting material.

3 SUBJECT MATTER OF DISPUTE

3.1 Network Rail agrees that this dispute relates to:

- National TPR, Section 1.15 – General Capacity Constraints
- National TPR, Appendix J – Network Performance Board 17 Planning Principles
- Anglia TPR, Section 5.2.2 – General Capacity Constraints
- East Midlands TPR, Scotland TPR, Wales & Western TPR, Kent TPR and Sussex TPR, Section 5.2.2 – General Capacity Constraints, specifically Level Crossings as a Capacity Constraint

- LNE TPR, Section 5.2.2 – General Capacity Constraints, specifically the two referenced Level Crossings
- NW&C TPR – Section 5.2.2 – General Capacity Constraints, MD101 Euston to Armitage Junction

TTP2681 (Freightliner)

- National TPR, Section 1.15 - General Capacity Constraints (in relation to its contradictions with the Anglia TPR referenced below, but would also support removal of the new entry)
- National TPR, Appendix J - Network Performance Board 17 Planning Principles.
- Anglia TPR, Section 5.2.2 - General Capacity Constraints.
- LNE TPR, Section 5.2.2 - General Capacity Constraints, Level crossings.
- NW&C TPR, Section 5.2.2 - General Capacity Constraints, MD101 Euston to Armitage Junction.

TTP2862 (Heavy Haul Rail)

- National TPR, Appendix J – Network Performance Board 17 Planning Principles, specifically the entry in total
- Anglia TPR, Section 5.2.2 – General Capacity Constraints, specifically the Level Crossing Risk Assessment entry in total
- LNE TPR, Section 5.2.2 – General Capacity Constraints, specifically the untitled level crossings entry in total

TTP2864 (GA Trains)

- Anglia TPR, Section 5.2.2 – General Capacity Constraints

TTP2865 (GBRf)

- National TPR Section 1.15, specifically the inclusion of level crossing limitations as a form of a capacity constraint
- National TPR Appendix J “The 17 Planning Principles”, all of this section
- Anglia TPR Section 5.2.2 in its entirety
- LNE TPR Section 5.2.2, specifically the two crossings mentioned
- NW&C TPR Section 5.2.2, restrictions pertaining to the Fast lines, in this instance between Camden Jn and Willesden West London Jn only
- The remaining regional TPR documents (East Midlands, Scotland, Wales & Western, Kent, Sussex) that reference level crossings as a capacity constraint but do not list any specifics

TTP2866 (First Rail London)

- National TPR, Section 1.15 - General Capacity Constraints
- National TPR, Appendix J - Network Performance Board 17 Planning Principles
- Anglia TPR, Section 5.2.2 - General Capacity Constraints
- NW&C TPR, Section 5.2.2 - General Capacity Constraints, MD101 Euston to Armitage Junction

- 3.2 Network Rail has worked collaboratively with Timetable Participants throughout the development of the May 2027 Timetable Planning Rules (TPRs), seeking to achieve agreement on both national and route-specific changes. Extensive consultation has taken place through National TPR Forums, Route TPR Forums, dedicated working groups, industry meetings and direct correspondence with affected operators. The disputed matters were subject to extensive consultation and multiple opportunities for stakeholder review and feedback before Version 4 was published.
- 3.3 A detailed chronology of events relating to the consultation, development and publication of the relevant provisions concerning Section 5.2.2, Section 1.15 and the 17 Planning Principles is provided via Appendix A, B and C. The chronology demonstrates that Network Rail actively engaged with operators throughout the development process, considered feedback received and amended proposals where appropriate.

4 EXPLANATION FROM THE DEFENDANT’S PERSPECTIVE OF EACH ISSUE IN DISPUTE

4.1 Background, Consultation and Framework

- 4.1.1 The approach adopted in relation to Section 5.2.2 arose from industry concern regarding the inconsistent identification publication and application of operational, performance, safety and infrastructure constraints across different Routes. Those concerns were considered following Determination TTP2591 (para 155 to 158 – Appendix R) and led to wider industry review involving Network Rail,

operators and other industry stakeholders through OPSG, OPPG, National and Local TPR Forums, together with engagement involving the CRC Chair and ORR (Appendix N).

- 4.1.2 That review identified significant variation in the way Section 5.2.2 was being used across the network. In some areas constraints were documented in the TPRs, whilst in others similar considerations were addressed through less transparent or less consistent means. The review concluded that industry would benefit from greater visibility of known and evidenced operations, performance, safety and infrastructure constraints at an early stage of the timetable development process. (Appendix O and P).
- 4.1.3 These proposed provisions are intended to provide a consistent and transparent mechanism for recording material operational, performance, safety and infrastructure constraints that have been identified through evidence, assessment, consultation and established industry processes. The inclusion of a constraint within that framework does not, of itself, determine the outcome of future timetable proposals, but ensures that such constraints are identified, documented and capable of being considered through the appropriate timetable planning and decision-making processes. This was intended to support timetable development, improve planning transparency and reduce the risk of disputes arising from previously unidentified or poorly understood constraints. (Appendix Q).
- 4.1.4 The disputed Section 5.2.2 entries were developed and published within that wider framework. They were considered through relevant industry forums and subject to consultation through the TPR process. Network Rail's position is that the inclusion of such entries is consistent with both the purpose and intended operation of Section 5.2.2 as established through industry processes. To disregard a Section 5.2.2 constraint would undermine the purpose for which these arrangements were created and reintroduce the further uncertainty, inconsistency and dispute risk that the industry-wide review sought to resolve.
- 4.1.5 Network Rail does not accept the assertion that the disputed items were inadequately consulted upon or insufficiently evidenced. The documentary evidence demonstrates sustained engagement with operators over a significant period prior to publication of Version 4. Discussions took place through National TPR Forums, Route TPR Forums, specific consultation exercises, dedicated workshops, working groups and extensive correspondence. Indeed, the consultation history relied upon by the operators demonstrate the existence of ongoing dialogue rather than an absence of consultation.
- 4.1.6 Network Rail further distinguishes disagreement with an outcome from a failure to consult. The Network Code requires Network Rail to propose, consult upon and determine amendments to the Timetable Planning Rules. It does not require unanimous agreement before changes may be published. The evidence demonstrates that feedback was considered throughout the consultation process and that a number of proposals were amended, clarified or withdrawn in response to issues raised. The continuation of objections following consultation is therefore evidence of continuing disagreement as to the outcome, rather than evidence of procedural deficiency.
- 4.1.7 The operators rely on isolated extracts of correspondence to suggest deficiencies in the proposals or consultation process. Network Rail does not accept this interpretation. The correspondence demonstrates a TPR development process operating as intended, with proposals refined in response to feedback. The fact that concerns were raised and debated is evidence of consultation taking place, not that consultation was absent.
- 4.1.8 Individual comments made by Timetable Planning Rules Specialists should be viewed in context. They demonstrate an active and iterative consultation process in which concerns were examined, discussed and where appropriate, used to inform further development of the proposals. They should not be construed as admissions that the proposals were improperly developed, fundamentally flawed or incapable of inclusion within the TPR process.
- 4.1.9 Publication of Version 4 of the TPRs has no increased impact on "roll overs" or PDNS for the May 2027 timetable. Neither does it remove Access Rights or predetermine the outcome of future timetable development. Network Rail recognise that the Decision Criteria is used to understand the impact of values on the timetable. Whilst it is incumbent upon Network Rail to ensure that it has the Decision Criteria at the forefront of its mind when making any decision under Part D, Network Rail are unaware of any historic challenges that evidencing application of the Decision Criteria in relation to the inclusion of guidance is mandated.
- 4.1.13 The interpretation advanced by the operators would produce impractical consequences. Taken literally, it would require the Decision Criteria to be separately applied and evidenced in respect of every planning judgement, methodology or technical parameter incorporated within the Timetable Planning Rules. This approach is not how other guidance has been developed and published under the National TPRs and would render routine timetable planning processes unnecessarily impractical.

4.2 National TPR Section 1.15 – General Capacity Constraints

- 4.2.1 The operators state that there is insufficient clarity regarding the methodology, purpose and application of Section 1.15. Network Rail does not agree with this.

- 4.2.2 Section 1.15 was introduced following industry discussions regarding the need for greater consistency and transparency in the presentation of capacity constraints within the Timetable Planning Rules. The proposal was informed by observations arising from dispute reference TTP2591 (para 155 to 158), in which concerns were raised regarding the visibility and articulation of planning constraints within the timetable development process. Section 1.15 was intended to provide a clearer and more consistent framework for identifying and explaining capacity constraints that may impact the development of robust timetables.
- 4.2.3 Section 1.15 is intended to provide context and explain the purpose and application of the General Constraints set out in individual route TPRS in section 5.2.2. It serves as explanatory guidance, outlining how capacity restrictions may be considered and applied within the timetable planning process. The inclusion of this guidance does not create or justify any specific capacity restriction. Rather, each individual capacity restriction proposed within a Route TPR document must be subject to its own evidence-based justification and consultation process. Operators therefore retain the opportunity to review, challenge and influence the inclusion of specific restrictions through the established Route TPR consultation arrangements.
- 4.2.4 Section 1.15 defines General Capacity Constraints as a framework for identifying and communicating limitations on the quantum of traffic that may reasonably be planned at specified locations. The section is intended to improve transparency and planning certainty by making visible those factors that may affect performance, operational delivery or infrastructure capability rather than those to impose unnecessary restrictions on future growth.
- 4.2.5 Network Rail notes that a number of operator responses reference concerns regarding performance risk but provide limited evidence of how the disputed wording would materially alter timetable development outcomes or adversely impact performance. The purpose of the provisions within Section 1.15 is to ensure that performance considerations are appropriately identified, assessed and understood during timetable development, allowing potential risks to be considered at the earliest opportunity. Where concerns are raised regarding capacity constraints, infrastructure capability or operational resilience, the established process is to undertake the appropriate assessment, including a Performance Impact Assessment where required, to understand the effect of a proposed timetable change on timetable robustness, service reliability, delay propagation and wider network performance, and to identify any necessary mitigations.
- 4.2.6 The intention is not to prevent service growth or restrict operators' ability to bid, but to support the development of robust, deliverable and performance-resilient timetables. The Timetable Planning Rules provide a framework through which performance risks can be identified, reviewed and, where necessary, managed, ensuring that the timetable remains capable of supporting both operational performance and network efficiency. This approach is consistent with the wider objective of timetable planning, namely to balance capacity aspirations with the need to maintain a reliable and resilient timetable for all users of the network. As such, the provisions seek to protect the integrity of the timetable through evidence-based assessment and established industry processes, rather than through the application of new restrictions or mandatory requirements.
- 4.2.7 Network Rail considered the feedback received from operators during the consultation process and made a number of amendments to Section 1.15 between Versions 3 and 4. These included revised definitions of capacity constraints and their purpose, improved wording relating to the level crossing assessment process to provide greater clarity on the roles and responsibilities of the parties involved, the addition of explicit wording confirming that firebreak limitations should only be considered after all other reasonable options have been explored, and further clarification within Section 1.15.9 regarding who may request a new constraint and the information required to support its implementation. These amendments demonstrate that consultation responses were reviewed and informed the development of the published text. Details of these amendments are provided in Appendix L.
- 4.2.8 Following publication of Version 4, further industry discussions took place concerning the operation and interpretation of Section 1.15. During those discussions, operators raised questions regarding the trigger criteria for assessment, the methodology underpinning general capacity and the interaction between Section 1.15 and existing industry processes. Network Rail considered those concerns and issued additional explanatory material to provide further clarity in relation to those matters. The additional material did not alter the fundamental purpose of Section 1.15 or introduce new requirements but provided further explanation of arrangements that had already been consulted upon and published.
- 4.2.9 Network Rail acknowledges that aspects of Section 1.15 may continue to benefit from further refinement through continued industry engagement. That does not, however, mean that the provision is inappropriate for inclusion within the TPRs or that its publication was invalid. The possibility of improving drafting is not evidence that the underlying principle is unsound. Rather it reflects the normal operation of an iterative consultation process in which proposals are reviewed, refined and enhanced over time in response to feedback.

- 4.2.10 During a follow-up meeting with Operators on 15th September 2026, Network Rail discussed the application of 1.15 for STP services. Following that discussion, Network Rail agreed to review and amend the associated STP wording to remove any assumption that STP services, in themselves, increase or reduce train service volumes.
- 4.2.11 Network Rail has continued to develop supporting material relating to Section 1.15 and the interaction with General Capacity Constraints and TCRA. This additional material (issued 8th September 2026) provides further explanation of process timescales, accountabilities and trigger points and reflects Network Rail's commitment to ongoing stakeholder engagement and transparency (Appendix F).
- 4.2.12 Network Rail subsequently confirmed that the introduction of additional STP services is not considered to create a material network risk. This position is supported by a 2025 assurance review undertaken by Technical Authority in response to an internal Network Rail audit action, which concluded that level crossing risk assessments are designed to accommodate normal levels of STP activity and day-to-day variations in train services at level crossings that occur as part of routine railway operations. Accordingly, the requirement for specific level crossing risk assessments remains focused on changes that give rise to a material change in risk, rather than routine STP activity.
- 4.2.13 The operators disputing 1.15 inclusion into the National TPR document have expressed concerns regarding the inclusion of guidance within Section 1.15. However, constructive engagement on potential alternatives has at times been limited, making it challenging to fully address and resolve those concerns. In several instances, there has been a greater focus on opposing the proposed approach than on collaboratively identifying workable amendments or alternative solutions. The discussions held on 3rd September provide a clear example of this challenge, where operators were unable to propose specific alternative wording for Section 1.15, nor identify a more appropriate and effective location for the guidance to be retained. This has made it difficult to assess alternative options, particularly where objections have not been accompanied by practical proposals that would continue to deliver the intended industry benefits and provide consistent national guidance.
- 4.2.14 During a follow-up meeting with Operators on 15th September 2026, Network Rail discussed the concerns raised on the call in relation to Section 1.15 and agreed to review this new operator feedback regarding the trigger criteria, capacity constraint methodology and infrastructure capability assessment, with a view to providing further clarification. Following this review, Network Rail responded to operators and provided additional clarification on these areas to ensure the intent and application of the guidance was fully understood. This engagement demonstrates Network Rail's continued willingness to consider industry feedback, clarify areas of concern, and support a common understanding of the guidance, while maintaining that Section 1.15 is intended to provide explanatory context and guidance rather than introduce new mandatory requirements or grounds for the rejection of Access Proposals.
- 4.2.15 In most cases, safety risk assessments do not produce a purely binary outcome of "safe" or "unsafe". Risk assessments usually produce risk rating or risk level, often derived from a matrix that considers both likelihood and severity. The assessment identifies hazards and determines whether existing or additional controls reduce the risk to an acceptable level. The assessment informs a decision such as, proceed, proceed with mitigation, do not proceed. The management decision may become binary, even though the underlying risk assessment is not. Many safety assessments are explicitly graduated rather than binary. Only at the governance stage does it become a binary recommendation of support / not support. This is reflected in the level crossing assessment approach, where the underlying assessment considers a range of risk factors before reaching a recommendation on whether to support a train service proposal. For example, the ALCRM level crossing model produces a range of risk scores, not simply a pass/fail result.
- 4.3 1.15 National TPR and 5.2.2. Route Level Crossing Constraints are intended to improve transparency and risk management, not restrict capacity**
- 4.3.1 The purpose of the level crossing provisions is to improve transparency regarding locations where established level crossing risk assessment processes may be engaged during timetable development.
- 4.3.2 The operators repeatedly assert that the inclusion of level crossing-related provisions within Section 1.15 and associated Route TPR Section 5.2.2 entries will result in unnecessary restrictions on capacity and create barriers to timetable development. Network Rail does not accept this characterisation. The capacity restrictions set out within Section 5.2.2 are not considered to prevent the rollover of a Timetable or the processing of compliant PDNS bids submitted at D-40. The provisions within Section 5.2.2 are intended to support the effective management of network capacity.
- 4.3.3 Network Rail acknowledges that the principal concern raised by operators relates to the transparency of the trigger for assessment and the criteria applied once that assessment is undertaken. Whilst further explanation of these processes may be beneficial, that does not invalidate the inclusion of the provisions within the TPRs. The provisions are intended to identify circumstances in which further consideration of an established level crossing risk may be required and to make that requirement visible at an early stage of timetable development.

- 4.3.4 The operators have suggested that the provisions could result in reduced capacity. However, no evidence has been presented demonstrating that the inclusion of level crossing risk information within the TPRs has directly removed train paths or prevented timetable development. Conversely, Network Rail's published guidance and supporting documentation repeatedly emphasise assessment, review, collaboration and mitigation as the primary objectives of the process. The provisions therefore support better-informed decision making rather than predetermined capacity reductions.
- 4.3.5 Throughout industry discussions, Network Rail consistently explained that the level crossing provisions were intended to promote transparency and early risk identification. They do not automatically prevent the introduction of additional services or require the rejection of Access Proposals. Where an assessment is triggered, the purpose is to determine whether any identified risk can be mitigated and accommodated through established processes. Any resulting timetable decision remains subject to Part D, rather than being determined solely by the existence of a level crossing restraint. The disputed provisions should not be characterised as introducing a new approval process or additional capacity restriction. The relevant risk assessment process already exists within established industry arrangements. The purpose of the TPR entries is simply to provide transparency regarding where that process may be engaged and to support consistent application.
- 4.3.6 The inclusion of level crossing-related provisions within the timetable planning framework is a direct response to TTP2591 and has also assisted in relation to a May 2025 Internal Audit which identified that there was no defined process to assess the safety impact of train service changes introduced outside the bi-annual Working Timetable development process. The audit raised concerns that additional train services introduced through mechanisms such as TOVRs and STP changes could alter level crossing risk without appropriate review and recommended Network Rail to establish an end-to-end assessment process.
- 4.3.7 Network Rail, working collaboratively with Timetable Production, Level Crossing specialists, Routes and Technical Authority representatives, developed arrangements to ensure incremental train service growth is appropriately monitored and reviewed. These arrangements do not create a blanket restriction on train services, nor do they confer an automatic right to refuse a timetable bid. Rather, they provide a trigger for further assessment where additional services may affect identified higher-risk level crossings, allowing specialist safety teams to determine whether any mitigation is required.
- 4.3.8 The proposed changes have been developed through existing industry governance arrangements, including TCRA-related discussions, TP-RAM and TP-REP review processes, and wider industry engagement on amendments to standard NR/L2/OPS/031. The intention is to improve transparency, ensure compliance with Network Rail's safety obligations, and provide a structured mechanism for considering the cumulative impact of incremental timetable change, while continuing to support timetable development and the efficient use of network capacity.
- 4.3.9 The purpose of the TPR entry is to provide visibility, consistency and predictability for timetable participants by identifying locations where additional assessment may be required before timetable proposals are developed.
- 4.3.10 In addition to the responses provided on 8th September following the actions from the 3rd September call, we subsequently confirmed that we are content to amend the wording within Section 5.2.2 to make clear that this principle is not intended to apply to short-term planning timescales.
- 4.3.11 We also confirmed our willingness to incorporate this amendment into Section 5.2.2 of each Route Timetabling Planning Rules document to provide greater clarity and consistency in its application. Furthermore, we advised that any feedback on the proposed wording would be considered in consultation with the wider NTPR group and, subject to no objections, the amendment could either be included in the next published version or issued as an update to the current V4 document.
- 4.3.12 Based on the revised wording, we believe the GA disputed item has been satisfactorily addressed by clearly defining the scope of the requirement and explicitly excluding changes made through the short-term planning process. Please refer to Appendix G.
- 4.4 Section 5.2.2 and Changes from Anglia TPR V3.0 to V4.0**
- 4.4.1 The operators contend that the Anglia Section 5.2.2 level crossing provisions were insufficiently evidenced, inadequately consulted upon and do not constitute an appropriate TPR. Network Rail does not agree.
- 4.4.2 The Anglia provisions were developed as part of the wider industry review of Section 5.2.2 described above. They were the subject of consultation through Route TPR Forums, direct engagement and successive draft TPR publications. A detailed chronology of this process is set out in (Appendix A). Throughout this process, Network Rail sought to engage constructively with operators, consider feedback, and refine the drafting where appropriate. Despite these efforts, a number of operators have maintained a consistent objection to the inclusion of provisions that could be used to manage future capacity constraints. Network Rail's view is that Section

5.2.2 is intended to provide a framework for identifying and managing potential future capacity risks where justified, rather than reflecting only current constraints, and therefore considers the inclusion of such provisions to be both reasonable and necessary.

- 4.4.3 During consultation, operators raised a number of concerns regarding the methodology, supporting evidence and operation of the proposed provisions. Network Rail considered these concerns and provided additional explanation and supporting material. Although the underlying principle remained unchanged, the presentation and drafting of the proposal continued to evolve throughout the process. Network Rail offered to share additional information with operators regarding these processes, but they felt that they had already seen this information and were unable to articulate what (if any) alternatives they wished to see included.
- 4.4.4 The fact that operators continued to object to the final proposal does not establish that consultation was inadequate. Rather, it reflects an ongoing disagreement concerning the appropriateness of the provision. Network Rail's position is that the proposal was consulted upon and correctly published through the TPR process.
- 4.5 Section 5.2.2. - NW&C - MD101**
- 4.5.1 MD101 was introduced as a new restriction within the 2027 Timetable Planning Rules process. Its inclusion was intended to provide a clearer and more transparent planning rule for this section of the network, setting out how the relevant trains-per-hour constraint should be applied by timetable planners in practice. The wording and presentation of MD101 were developed to align with the wider structure and presentation of the Timetable Planning Rules, improving consistency across the document and supporting clearer application during timetable development.
- 4.5.2 The introduction of MD101 provides greater clarity on how the total "trains per hour" limitation should be applied at the relevant location. By setting this requirement out expressly within the Timetable Planning Rules, the proposal makes the planning constraint more visible, usable and consistently applicable for timetable planners and industry users. Network Rail considers this approach to be consistent with the objective of maintaining a clear, transparent and accessible set of planning rules. Where supported by the available evidence, the inclusion of MD101 also aligns with the Declaration of Congested Infrastructure for this section of the network by translating the relevant capacity constraint into a practical planning rule within the established TPR framework.
- 4.5.3 MD101 reflects a known and longstanding planning constraint on a particularly intensively utilised section of the network. Its purpose is to support the development of a deliverable and performance-resilient timetable by identifying a planning quantum which reflects operational capability and established planning practice. The provision therefore forms part of a wider objective in Section 5.2.2 in providing transparency regarding material constraints that may affect timetable development. The precise planning quantum was derived from operational analysis, route capability and timetable performance considerations, all of which are summarised in Appendix B.
- 4.5.4 The North-West and Central Timetable Restructuring December 2022 ESG Concept Train Plan was constructed collaboratively with timetable participants through the timetable working group which reported to the Event Steering Group. All Timetable Participants were invited to the timetable working group and were actively involved in its development either through helping build the timetable in multi-user ATTune or through reviewing the timetable detail in the relevant meetings. The Concept Train Plan built was a timetable which was structured to include path provision of all services in the Train Service Specification (agreed by the ESG). This was then performance modelled by TRACSIS through the control of the performance working group, reporting to the ESG. The performance modelling indicated the additional services (those in the TSS that did not have current access rights) would present performance challenges on West Coast South. Alongside this, there were power supply concerns on West Coast South which would remain until the feeder was upgraded. Due to the performance and power supply risks identified, it was agreed through the working groups and the ESG that the Concept Train Plan structure would be implemented in December 2022 with the path provision for all services in the TSS but that the additional services would not be implemented initially. It was noted that there would be future reviews to determine whether the additional services can be implemented once the new timetable had run, real time performance data could be analysed, and the power supply upgrade has been completed. This was agreed by the ESG, and no disputes were raised in relation to this. The final ESG report was endorsed by the ESG.
- 4.5.5 The Office of Rail and Road (ORR), in determining the 2025 West Coast Main Line (WCML) open access applications, concluded that there was insufficient capacity on the WCML South Fast Lines to accommodate the proposed additional services without adversely impacting railway performance. The ORR rejected the applications on the basis that the introduction of further services would be detrimental to timetable resilience, punctuality and reliability, noting that capacity assessment must consider not only the existence of train paths but also the ability of the network to operate the timetable robustly and recover from perturbation.
- 4.5.6 A key element of Network Rail's evidence was the retention of strategically unoccupied timetable paths, referred to as "performance firebreaks", to provide operational recovery opportunities on a heavily utilised mixed-traffic railway. Network Rail's position was that these paths form an integral component of the timetable rather than surplus capacity available for allocation, with their removal

increasing reactionary delay and reducing overall timetable resilience. The ORR accepted this principle in reaching its 2025 decisions and subsequently sought further evidence on the modelling and optimisation of the firebreak approach, reinforcing the importance of performance-led capacity management when considering the allocation of additional rights on the WCML.

- 4.5.7 The introduction of MD101 was subject to industry consultation through the established North-West & Central stakeholder forums, publication within Versions 3 and 4 of the Timetable Planning Rules, and supporting correspondence issued to operators throughout the consultation process. Operators therefore had multiple opportunities to review the proposed wording, seek clarification, raise concerns and provide feedback. Network Rail considers that appropriate consultation and engagement have taken place. Although MD101 is a new planning constraint within the Timetable Planning Rules, its inclusion should be understood in the context of the declared Congested Infrastructure status for this part of the network. The purpose of MD101 is to translate the relevant capacity limitation into a clear, usable planning rule, rather than to introduce an unrelated or unsupported constraint. Appendix B provides evidence of the consultation activity, forum discussions, working group outputs, stakeholder correspondence and amendment history supporting the introduction of MD101.

4.6 Section 5.2.2 and Changes from LNE TPR V3.0 to V4.0

- 4.6.1 Two high risk level crossing were included in the Section 5.2.2 of the V3 Timetable Planning Rules for London North-Eastern. These were:

- Ings Footpath crossing on the approach to Hare Park Junction; and
- Scalm Lane UMC between Hambleton South Junction and Hambleton West Junction.

- 4.6.2 Alongside this a constraint was added which states the maximum number of trains permitted over Welwyn Viaduct. These were consulted as part of Version 3 and operators responded to the draft document. GBRF, Freightliner, Heavy Haul Rail and Northern responded to V3 stating they disagreed with their inclusion in 5.2.2. Network Rail considered the responses and established them in V4. Network Rail responded to operators with a comment of - Level Crossing restrictions will remain as offered in V3. Work has taken place to ensure only crossings with established risks identified through risk assessments have been included. Network Rail were tasked with improving clarity and documentation of level crossing risk through the ADC process and the ORR, and the TPRs are the chosen way to govern this.

- 4.6.3 Through discussions with route and region teams, Capacity Planning are reviewing the values of all general constraints (those documented as trains per hour limits) within V3. Any constraint which cannot be quantified and evidenced will be removed for V4. V4 saw a small number of changes compared to V3. Ings Level Crossing was corrected to read FP (footpath crossing) vice UWC (user worked crossing). Both Level Crossings had value place on them for barrier down time (both N/A as they are not traditional road crossings) and the number of users per day. There were no changes to 5.2.2 between V4 and V4.1. There were no objections to the inclusion of the restriction over Welwyn Viaduct. No level crossings were added into V3 or V4 of the Timetable Planning Rules for East Midlands. Please see Appendix C for LNE Consultation and Chronology of Events

4.7 National TPR Appendix J – 17 Planning Principles

- 4.7.1 With regard to the inclusion of Appendix J, Network Rail does not accept the assertion that the 17 Planning Principles were inadequately consulted or improperly incorporated into the National TPR. The railway is increasingly focused on improving the performance outcomes delivered by the timetable itself, recognising that punctuality and reliability are determined not only by infrastructure and operational delivery but also by the quality of timetable design. National performance remains below the industry's long-term ambitions, and analysis undertaken across Network Rail and operators has identified timetable resilience, recoverability and robustness as key contributors to train service performance. In response, the industry has adopted a more outcome-focused approach, using measures such as On Time to Three Minutes (OTT3) and cancellations to assess customer experience, with a clear ambition to achieve 90% OTT3 and 2% cancellations as a national average by the end of 2027. This reflects a shift from viewing timetable planning purely as a capacity and access-rights exercise towards recognising it as a critical mechanism for improving railway performance.
- 4.7.2 The Network Performance Board (NPB) provides the industry governance and leadership framework for this, bringing together Network Rail, passenger and freight operators, the Department for Transport and the Office of Rail and Road to drive collective performance improvement. NPB has established the industry's performance objectives, oversees delivery of the Performance Restoration Framework and has challenged the industry to embed performance considerations much earlier within timetable development. This led to the creation of the guidance for planning timetables to optimise OTT3 performance and the development of the 17 Planning Principles, which seek to ensure that timetable construction, planning rules, validation activities and timetable change processes actively support the delivery of improved punctuality, reliability and customer outcomes. Discussions regarding the

principles, including the possibility of introducing mandatory principles, took place over an extended period through industry working groups, workshops and National TPR Forum discussions.

- 4.7.3 Network Rail acknowledge that there is some overlap between certain Planning Principles and existing National TPR provisions. That overlap is intentional. The Planning Principles do not replace the underlying rules or methodology; rather, they provide additional context and explain the planning, operational and performance considerations that sit behind them.
- 4.7.4 Consultation responses resulted in the review and amendment of a number of Planning Principles between Version 3 and Version 4. Those changes were made following feedback and demonstrate that comments received were considered as part of the decision-making process. The operator's contention that Network Rail failed to engage with consultation responses is therefore inconsistent with the documented evolution of the proposals during the consultation period. (Appendix D).
- 4.7.5 While some industry participants supported the introduction of mandatory planning principles, industry consensus was not achieved, and Network Rail therefore included the 17 Planning Principles within Appendix J as non-binding guidance. Their inclusion is consistent with the established purpose of the National TPR appendices, which already contain supporting guidance, explanatory material, methodologies and contextual information intended to assist timetable planners in the practical application of timetable planning requirements and is not inappropriate (Appendix J). The 17 Planning Principles do not introduce new obligations, create additional grounds for the rejection of Access Proposals, or replace existing timetable planning methodology. Rather, they provide guidance on planning considerations and desired performance outcomes, supporting the development of robust, efficient and performance-resilient timetables and complementing, rather than replacing, the detailed methodology contained elsewhere within the National TPR. Not all principles will be relevant to every timetable change and, depending on the nature of the proposal, a timetable change may engage several principles, a small number of principles, or none at all. The principles are not mandatory, are not intended to influence ORR determinations or Access Rights applications and cannot, either individually or collectively, be used as grounds for the rejection of an Access Proposal.
- 4.7.6 Network Rail also considers it important to recognise the practical realities of timetable planning. Train planners already rely upon a significant number of industry documents, methodologies, standards and guidance materials when developing timetables. Extracting the 17 Planning Principles from the National TPR and placing them within a separate document would increase fragmentation of guidance, requiring planners to consult an additional source alongside the National TPR.
- 4.7.7 By including the 17 Planning Principles within the National TPR appendices, planners can access both the detailed technical methodologies and the broader planning guidance within the same document. This supports consistency of application, improves accessibility and reduces the risk of relevant guidance being overlooked during timetable development. In Network Rail's view, retaining the principles within the National TPR therefore provides the greatest benefit to the train planning community while maintaining transparency regarding their status as guidance.
- 4.7.8 For these reasons, Network Rail considers Appendix J to be an appropriate location for the 17 Planning Principles. Their inclusion is consistent with existing precedent within the National TPR, please see Appendix E & H for examples. Their inclusion supports effective timetable planning and provides a practical mechanism for ensuring that established planning knowledge and industry good practice remain readily available to timetable planners and timetable participants.
- 4.7.9 The 17 Planning Principles were intentionally designed to be applied flexibly across a mixed-traffic railway. Their application will naturally vary depending on timetable type, operational context and the nature of the proposal being assessed. For example, application of the principles within a densely operated metro timetable may differ significantly from their application within a long-distance intercity or freight timetable. Accordingly, not every principle will be relevant to every Access Proposal, and, in some cases, individual principles may not apply at all.
- 4.7.10 The *Planning Timetables to Optimise T3 Performance Guidance Note* and associated 17 Planning Principles were developed between October 2025 and February 2026 following a challenge from the Network Performance Board (NPB) in October 2025. The work was progressed through a series of drafts between November and December 2025, including review by industry subject matter experts and System Operator Capacity Planning, before being presented to and endorsed by NPB in February 2026. The resulting guidance and principles therefore represent a product of several months of cross-industry development, review and consultation rather than a standalone Network Rail initiative.
- 4.7.11 The principles were intentionally drafted as industry good practice guidance to support the development of more robust, resilient and performance-focused timetables. They were incorporated into the National Timetable Planning Rules (NTPRs) and continue to be

embedded within industry planning processes including ANTC submissions, D40 timetable development, TCRA discussions and timetable assurance activities. Operators have been encouraged to demonstrate where and how the principles have been considered within timetable proposals.

- 4.7.12 Industry governance forums including the Operational Planning Strategy Group (OPSG), Operational Planning Practitioners Group (OPPG) and National TPR Forum have all been involved in the review and implementation of the principles. Whilst there has been broad support for the principles as a useful framework for timetable development, industry discussions have not reached consensus on making any of the principles mandatory. As such, they currently remain guidance intended to inform professional judgement and support evidence-based consideration of timetable performance, resilience and operational outcomes.

4.8 TP11

- 4.8.1 Network Rail does not agree with the assertion that TP11 contradicts existing National TPR methodology.
- 4.8.2 TP11 seeks to highlight the importance of ensuring cumulative rounding remains within reasonable tolerances and reflects known industry system limitations. The principle aligns with, and is supported by, the practical examples and methodology already contained within Section 1.4 of the National TPR. The principle does not alter the established methodology for calculating running times. Rather, it highlights a known consideration when applying that methodology and reflects existing planning practice concerning the management of cumulative rounding effects.
- 4.8.3 Network Rail is unaware of any specific technical inconsistency between TP11 and the existing methodology. To the extent that any such inconsistency has been alleged, it has not been specified within the disputes. Appendix D demonstrates how TP11 reflects and supports the existing methodology rather than modifying or contradicting it.

4.9 TP17

- 4.9.1 Network Rail does not agree that the draft TP17 seeks to direct the ORR on the decisions it should make. Performance is one of several factors considered by the ORR when assessing access rights applications. Network Rail views TP17 as a prompt for applicants to provide supporting performance evidence outlining how the principles have been used alongside their access rights applications.

4.10 Reasons Why the Above Support Network Rail's Position

- 4.10.1 The operator's submissions contain broadly identical assertions but provide limited specific examples of practical impacts, no proposed alternative wording and no clear explanation of how the disputed provisions adversely affect the operator's ability to exercise their Access Rights or participate in the timetable development process. It is also noted that the operator's responses to Version 4 (summary in Appendix M) are all strikingly similar and lacking in detail that would allow constructive engagement. Network Rail further notes that the disputes predominantly challenge the existence of the proposals rather than engage with their substance, with little evidence of constructive alternatives, workable counterproposals, or meaningful engagement as to how the underlying issues might otherwise be addressed.
- 4.10.2 Throughout the consultation and dispute process, Network Rail has actively sought to understand the specific concerns raised by operators and has encouraged feedback on the disputed provisions. Network Rail has been willing to consider suggested amendments, clarifications and alternative drafting where appropriate, recognising that any substantive changes would require considerations through established industry governance processes. Whilst operators have continued to express concerns regarding Section 1.5, Route Section 5.2.2 and Appendix J, there has been limited detail provided regarding specific alternative wording the precise amendments sought, or how the underlying objectives of the disputed provisions might otherwise be achieved. In relation to the 17 Planning Principles in particular, if objections are maintained, Network Rail requires greater clarity regarding which individual principles remain disputed, the wording objected to and the nature of any alleged inconsistency with existing National TPR provisions. Without that level of detail, it is difficult to meaningfully assess the concerns raised or evaluate potential alternatives.
- 4.10.3 Network Rail therefore rejects the suggestion that the inclusion of the disputed items represents a failure of consultation or consideration. The proposals were developed through established governance processes (the principles were recognised and endorsed by OPSG), supported by industry engagement and published in accordance with the Network Code process for TPR development.
- 4.10.4 This issue was also evident during the engagement sessions held on 3rd September and 15th September 2026 (Appendix I), where Network Rail sought clarification on the practical concerns raised by operators and invited discussion regarding what changes, if any, should be made to the disputed text and where such material should be located if not the Timetable Planning Rules. Despite these opportunities, limited feedback was received on potential alternative approaches.

- 4.10.5 Network Rail therefore considers that the disputes are largely based on concerns regarding the perceived future application of the provisions rather than any demonstrable impact arising from the wording itself. The submissions do not identify any Access Proposal that has been rejected, any access right that has been curtailed, or any specific business impact resulting from the inclusion of the disputed provisions. As a result, Network Rail has found it challenging to fully understand the underlying concerns being raised and to identify whether the objections relate to the drafting, the location of the material within the document, or a broader disagreement with the underlying policy intent. Network Rail remains willing to engage with operators to better understand any specific concerns and to consider constructive proposals that improve clarity while maintaining the intended purpose of the proposal.
- 4.10.6 Network Rail has continued to engage constructively with Operators to resolve disputed items wherever possible. Through these discussions, Network Rail has clarified and will propose amendments to Section 5.2.2 to make clear that level crossing risk assessments are not applicable to Short Term Planning (STP). This clarification has resulted in the withdrawal of the dispute by GWR and has addressed Greater Anglia's principal concern.
- 4.10.7 Greater Anglia has, however, indicated that it would like to better understand and challenge the rationale underpinning the application of specific times of day within the restrictions. In response, Network Rail has arranged a meeting between Greater Anglia and the Level Crossing Risk Team to provide further explanation of the risk assessment and explore any remaining concerns. This demonstrates Network Rail's continued commitment to consultation, transparency, and seeking resolution through constructive industry engagement.

5 DECISIONS SOUGHT FROM THE CHAIR

- 5.1 It is submitted that the evidence supports Network Rail's position that the disputed provisions were developed through established industry processes, subject to consultation and refined in response to stakeholder feedback. The continuation of operator objections does not establish a failure to consult, nor does the potential for further clarification render the provisions invalid. Section 1.15 and the route-level constraints promote transparency and early consideration of relevant planning risks, while any resulting timetable decision remains governed by Part D and the applicable Decision Criteria. Appendix J similarly provides non-binding guidance that complements, rather than replaces, the existing TPR methodology. The operators have therefore not established grounds for withdrawing the disputed provisions or reopening the consultation process.
- 5.2 This scenario does not represent exceptional circumstances and note that the JRD does not argue for such a finding. As such we seek confirmation from the Chair that the powers available to them under Part D are those listed under Conditions D5.3.1 (a) and (b) - general directions or upholding Network Rail's decision.
- 5.3 Network Rail seeks confirmation from the Chair that:
- 5.4 The decision to publish the following is upheld, and that the values and guidance published stand.
- National TPR, Section 1.15 – General Capacity Constraints
 - National TPR, Appendix J – Network Performance Board 17 Planning Principles
 - Anglia TPR, Section 5.2.2 – General Capacity Constraints
 - LNE TPR, Section 5.2.2 – General Capacity Constraints, specifically the two referenced Level Crossings
 - East Midlands TPR, Scotland TPR, Wales & Western TPR, Kent TPR and Sussex TPR, Section 5.2.2 – General Capacity Constraints, specifically Level Crossings as a Capacity Constraint
 - NW&C TPR – Section 5.2.2 – General Capacity Constraints, MD101 Euston to Armitage Junction
- 5.5 There has been no breach of the Network Code Part D from Network Rail in proposing, consulting and decisioning these TPRs.
- 5.6 No award of costs is sought in this matter.

6 APPENDICES

Appendix A – Chronology re Anglia TPR Section 5.2.2 Consultation

Appendix B – Chronology re NW&C TPR Section 5.2.2 Consultation

Appendix C - Chronology re LNE TPR Section 5.2.2 Consultation

Appendix D - Chronology re National TPR Section 1.15 and 17 Planning Principles Consultation

Appendix E - TPR Extracts

Appendix F - TPR Extract re Station Working Requirements/ Dwell Methodology

Appendix G - Emailed Response re Meeting 03/09/2026

Appendix H - Attachment to Email (Appendix F)

Appendix I - Email Communication 03/09/2026

Appendix J - Evidence of pre-existing Guidance contained with TPRs

Appendix K – Distribution of Claimant Objections Across the Disputed TPR Provisions

Appendix L – Changes to 1.15 between V3 and V4

Appendix M – Identical Dispute Submissions

Appendix N – OPSG Minutes re Use of TPR Section 522 for Limiting Capacity

Appendix O – Subgroup Minutes Summary of discussion the use of TPR Section 5.2.2

Appendix P - Summary of existing use of TPR Section 5.2.2 Slide for Jan 26 OPSG

Appendix Q - Proposed Next Steps 5.2.2 Slide for Jan 26 OPSG

Appendix R – TTP2591 Extract

7 SIGNATURE

For and on behalf of

Network Rail Infrastructure Limited

Signed



Print Name

Lee Eastwood

Position

Timetable Production Manager