

An immediate question

1. I am grateful to the Claimants for the submission of their Joint Reference Document.
2. It is clear that the Claimants are seeking the withdrawal of all the proposed Timetable Planning Rules (TPRs) flowing from the new Section 1.15 of the relevant versions of the 2027 Subsidiary Change Date TPRs.
3. What is not clear, however, is whether the Claimants are also seeking removal of the entirety of the text of Section 1.15 as a matter of principle, or whether they are content with the inclusion of this section, but oppose some, or all, of the consequential drafting amendments made at Version 4.
4. **Will the Claimants please confirm as soon as possible and in any event no later than 1600 on Tuesday, 15 September 2026 whether or not they are seeking the deletion of Section 1.15 in all cases.**

In preparation for the hearing, and to assist Network Rail in structuring its Defence

5. In the note circulated by the Secretary on 19 August 2026, she recorded my preliminary view that in these Disputes it may be necessary to consider the purpose and function of TPRs, to determine whether the disputed TPRs and Appendix J can properly be regarded as Timetable Planning Rules (my underlining here) which should be included in TPRs. This is confirmed in the Claimants' Joint Reference Document.
6. My current view is that the Panel will therefore have to determine two principal issues: whether all the proposed amendments and Appendix J can properly be regarded as TPRs, in other words the question already posed; and to the extent that they can, was the consultation process sufficient to justify the introduction of each proposed amendment at this stage? In relation to any proposed amendments that meet the definition of TPRs, and which were satisfactorily consulted, are they accurate? (The Parties may be assisted by reviewing the determination of TTP2725 and (elements of) TTP2722 on the question of what amounts to adequate consultation).
7. Subject to any submissions from the Parties, my current intention will be to hear and determine the first question, before moving on to the second question. It will therefore be helpful if the Parties prepare separate Opening Submissions, one dealing with each topic.
8. Again, subject to submissions, even if the first decision was that the proposed amendments cannot be regarded as valid TPRs, there will still be merit in considering the second question. If the Panel decided against Network Rail on the first question, then did not deal with the second question, if Network Rail successfully appealed the first decision a further Dispute would be required to settle the second question.
9. This proposal is purely procedural, to use the hearing time to best effect, and does not indicate any view either way on the possible range of conclusions.

[Signed on the original]

Clive Fletcher-Wood

Hearing Chair TTP2861, TTP2862, TTP2864, TTP2865, TTP2866