

Third Directions issued on 24 September 2026

1. I am grateful to Network Rail for its Defence; it was particularly helpful in this case that Network Rail was able to serve it before the due date.
2. Further to paragraph 6 of the Directions issued on 10 September 2026, **all Parties must be prepared to set out at the hearing their view on what should properly form part of TPRs (both national and at a regional level), including what should appropriately be included in Appendices.**
3. **The requirement above includes the wording of the various level-crossing restrictions in the relevant Sections 5.2.2, and whether a TPH restriction is appropriate on the WCML.**
4. An important element of the Claim rests on the Claimants' view that Network Rail failed to consult operators to the standard required (paragraph 6 of the Directions issued on 10 September 2026 referred the Parties to the authority explaining these standards). In its Defence, Network Rail set out a timeline to support its argument that the degree of consultation was sufficient. At the hearing questions from the Panel may well seek comparisons between the consultation of the issues in dispute and previous similar consultations. As one example, the Panel may wish to consider paragraph 4.10.2 of Network Rail's Defence and its Appendix Q, to establish whether there was any input from operators in the creation of HCPC 2697 *Utilisation of 5.2.2*. To whom was this document distributed and what was its purpose? **All Parties should be prepared to answer questions on these lines.**
5. The Panel will welcome an explanation of items amended in V4 after consideration of the V3 responses from operators. **Network Rail is to be prepared to address this point at the hearing.**
6. It is not clear from paragraph 4.2.3 of Network Rail's Defence what methodology is used for the constraints in 1.1.15 on the National TPRs. While it is noted that TCRAGs for each Route perform this task do they work to the same methodology and is this published. **Network Rail is to be prepared to address this point at the hearing.**
7. What is the authority for a Performance Impact Assessment referred to in paragraph 4.2.5 of Network Rail's Defence? While it appears in TP17, how else does it relate to the TPR process, or to Decisions under Part D? **Network Rail is to be prepared to address this point at the hearing.**
8. At para 4.7.8 of its Defence Network Rail draws a parallel between Appendix J and Appendices E and H of the National TPRs. My initial reading suggests that Appendices E and H include detailed specific information of the type occurring throughout TPRs, rather than setting out general points of principle (as in Appendix J). **Network Rail is to be prepared to address this point at the hearing.**
9. If the Claimants are right in saying that not all operators attend the National TPR Forum, what steps are taken to involve them in any consultation required on issues arising? **Network Rail is to confirm whether there are Terms of Reference or any other constitution for the Forum, and answer this question by 1600 on Tuesday, 29 September 2026.**

10. Has any progress been made on the Observations & Guidance in TTP2591 (at paragraphs 159 – 161) proposing a review to achieve national or local standards establishing the maximum acceptable barrier downtime at any specific level-crossing? **Network Rail is to set out its views on this issue by 1600 on Tuesday, 29 September 2026.**
11. Is the Greater Anglia Dispute resolved? (Network Rail suggests so in 4.3.12 of its Defence, but appears to contract this in 4.10.7). **Network Rail and Greater Anglia are to answer this question as soon as possible.**
12. In the light of Network Rail's Defence, are there any undertakings that Network Rail could give on future amendments to V4 of the relevant TPRs (or 4.1 where applicable), which would be recorded within the Determination, which could satisfy the Claimants and avoid the necessity of a hearing? **All Parties are to consider this question and advise the Secretary if any agreement can be reached. Agreement may be possible on some of the issues in dispute, even if not all.**

[Signed on the original]

Clive Fletcher-Wood

Hearing Chair TTP2861, TTP2862, TTP2864, TTP2865, TTP2866