



Mark Garner
Customer manager
Network Rail
George Stephenson House
Toft Green
York
YO1 6JT

Alice Kaiser
Office of Rail and Road
25 Cabot Square,
London
WC2B 4AN

28 March 2025

Dear Alice,

Network Rail Representations for the 29th Supplemental Agreement (SA) (re-numbered to the 32nd SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Contract (TAC) between Network Rail Infrastructure Limited and Hull Trains Company Limited (Hull Trains) dated 17 March 2016.

1 Purpose

- 1.1 This letter provides final representations from Network Rail for the 29th SA (re-numbered to the 32nd SA) submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Hull Trains Company Limited submitted to ORR on 19 May 2024.
- 1.2 This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024, and the 14 March 2025 ECML General Representation on Complex and/or Competing Applications interacting on ECML Kings Cross - Edinburgh and Leeds.
- 1.3 The latter of these letters provided important information to support ORR when it comes to making decisions on applications in this geography including context on the work in developing the ECML Policy, ECML Industry Task Force, key performance information, as well as updates on power supply assessment. The annexes to that letter include relevant information including Timetable Performance Analysis and ECML Power Supply Modelling and where there is specific relevance to this application, reference will be made in this representation.
- 1.4 The purpose of this final representation is to provide ORR with Network Rail's final position on this application (and the specific access rights within it) and will do so by providing facts, data, evidence to support our position. As the access rights sought in this application are at the ECML interacting location the evidence and data to evidence our position are all contained in the ECML General Representation letter dated 14 March 2025.
- 1.5 Network Rail can confirm that based on the facts, data and evidence outlined in this representation and the ECML General Representation, it is supportive of part of this application. Network Rail is supportive of the northbound right, subject to any comments, suggested amendments or specific issues highlighted in this representation, but is not supportive of the southbound right.

- 1.6 Where there are a number of applications seeking capacity at the locations referred to in this letter, and as detailed in Annex A, the basis of our support of applications either in total, or in part (as can be determined by reading the relevant representations), may have a connection to our position on all other applications at that location. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

2 Background of the Application and Network Rail Representations

- 2.1 In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes', Hull Trains submitted this application to the ORR on 19 May 2024 as a S22A application in line with ORR's deadline.
- 2.2 As requested by ORR, Network Rail submitted a High-Level Plan in June 2024, and a further detailed plan was published on Network Rail's website in August 2024 (and updated in January 2025). Network Rail made its initial representations on this application on 28 June 2024 where an initial view of the application Form P and SA was provided. On 22 July 2024 Hull Trains responded to the Network Rail initial representations. Further to this Network Rail issued a General Representation on the East Coast Mainline (ECML) to ORR dated 14 March 2025.
- 2.3 In its initial representation on 28 June 2024, Network Rail highlighted a number of items in the "Network Rail Review of Form P and associated documents" section of the letter. Where we have not had a response to the points highlighted we have noted this below for the Operator and/or ORR to address or take into consideration.
- 2.4 The points we would like to highlight from the initial representation and the course of action we require, are as follows:
- 2.4.1 Within the SA:
- "Section 2 (Effective Date and Term): Network Rail notes that this Supplemental Agreement refers to "Section 22" when it is currently a "Section 22A". Network Rail notes that the Effective Date b) is meant to state "Principal Change Date 2025 (in December 2024)" – the rights in question are dependent on the ECML ESG and that may be implemented in May 2025 or December 2025.
 - Section 3 (Amendments to the Agreement): Network Rail notes the inclusion of "Schedule 5.2." and instead this should be "Schedule 5 clause 2".
 - Appendix 1: Network Rail notes that this is entitled "Appendix 2" and should be "Appendix 1". Network Rail assumes that the Appendix 1 is not an "Additional table" as stated and is instead a replacement for Table 2.1 in Schedule 5.
 - Network Rail notes that the change to the Timing Load is not marked up but welcomes the amendment to the Timing Load so it is in line with their existing rolling stock (Class 802)."

In their representation letter of 22 July 2024, Hull Trains "recognised that there may be some drafting corrections to be made" but did not address these points by providing an updated SA. We would expect ORR to take this comment into account when they make a direction.

2.4.2 Within the Form P:

- "Section 1.5: Network Rail notes that abbreviations have been used (SX, SO and ECML ESG). Network Rail believes these relate to "weekdays" (for SX), "Saturdays only" (for SO), "East Coast Mainline Event Steering Group" (for ECML ESG) and "Section 22A" (for s.22a). Network Rail notes that the rights are requested to commence from "Dec 2024" – as stated by the Operator the rights in question are dependent on the ECML ESG and that may be implemented in May 2025 or December 2025.
- Section 3.1: Network Rail notes that the additional rights proposed are included in one direction only within the ECML ESG. As per Network Rail's email to the Operator on 21 June 2024, Network Rail wishes to see timetabling work from the Operator and in particular to understand the paths which fall outside the ECML ESG. The Operator suggested for Network Rail to review the Operator's Priority Date Notification Statement (PDNS) for December 2024 and its Advanced Notice of Timetable Change (ANTC) for May 2025. The Southbound service is not included in the

Proposed ECML December 2025 timetable but aspired timetable information was provided by the Operator. The Southbound aspirations are not compatible with the Proposed ECML December 2025 Timetable and the assumptions on which it's implementation was recommended.

- Section 4.3: Network Rail notes that no detailed performance analysis has yet been carried out as the proposal was not included in the ECML ESG performance modelling work. Subsequently Network Rail would wish to understand the impact of this proposal on the ECML ESG performance modelling work.”

In their representation letter of 22 July 2024, Hull Trains “recognised that there may be some drafting corrections to be made” but did not address these points by providing an updated Form P. We would expect ORR to take this comment into account when they make a direction.

2.4.3 In their representation letter of 22 July 2024, Hull Trains also stated “The 29th Supplemental is primarily drafted to take into account all the possibilities of an ESG Timetable (as recast). Recognising that the recent timetable assumption is for one extra path (EWD), in one direction only, we have also included one “back right” (also EWD), should the situation demand it. This is for administrative ease only, so that the ORR doesn't have to opine on a myriad of applications from one small operator, all regarding the base ESG ECML timetable. If the ESG work finalises on one direction only, or indeed no additional trains at all, the application can be amended/withdrawn, as required.” We would expect ORR to take this comment into account when they make a direction.

2.4.4 Further to correspondence on 28 June 2024 and 22 July 2024, Network Rail would like to highlight from the Form P the following:

- “The proposed ECML ESG timetable included the possibility of an eighth path (SX) and seventh path (SO) for Hull Trains, in one direction (from Kings Cross) only. These were morning departures from KX formed from the first up working, which was to be in a (combined) 10 car formation.” It is Network Rail's understanding that:
- The “(combined) 10 car formation” mentioned in the Form P is an aspiration and that the current capacity work for the northbound service is as a 5 car formation; and
- The return working southbound was not included in the East Coast Mainline Event Steering Group (ECML ESG) specification and as set out below we are unable to support its inclusion at this time.

3 East Coast Mainline (ECML) General Representation Letter dated 14 March 2025

3.1 Network Rail can confirm that this application is seeking the proposed access rights at the interacting location ECML: Kings Cross – Edinburgh and Leeds and therefore the ECML General Representation to ORR is relevant to this application.

3.2 Whilst the entire letter is relevant to this application, we would like to highlight key points of that letter which are more pertinent to this application namely “Unused LNER Firm Directed Rights”, “ECML Timetable Performance Analysis” and “Congested Infrastructure”.

3.3 *Unused London North Eastern Railway (LNER) Firm Directed Rights*

3.3.1 The ECML ESG Timetable does not include the Unused LNER Firm Directed Rights as stated in paragraph 5 in Network Rail's ECML General Representation letter to ORR.

3.3.2 The ECML Timetable planned for introduction in December 2025 does not include 8 LNER firm rights Monday to Saturday, 7 firm rights Sunday Only, between London King's Cross and Leeds via Wakefield or Micklefield directed by ORR in 2016.

3.3.3 The specification for the LNER service to/from London King's Cross had been reduced from 6.5 trains per hour (tph) to 6 tph with agreement from the DfT in 2021. This reduction retained the 0.5 tph London King's Cross – Middlesbrough service, albeit as far as York, with the 0.5 tph London King's Cross – Leeds service being descope. ECML Programme Board on 21st March 2021 noted the recommendation from East Coast Route to defer the 0.5 tph London King's Cross – Leeds service, including the conditional outcome of journey time reduction between London Kings Cross and Leeds, to a post-ECML ESG [December 2025] future timetable change.

3.3.4 As of 14 March 2025 Network Rail have formally declared congested infrastructure on relevant routes between Huntingdon North Junction (Jn) and New England North Jn (Peterborough) and Doncaster Marshgate Jn and Leeds Copley Hill West Jn.

3.3.5 Work undertaken by the ESG has shown definitively that this 0.5 tph London King's Cross – Leeds service uplift cannot be accommodated alongside the other ESG outputs. As such the service cannot run in this timetable, or in future timetables, alongside the other industry endorsed aspirations without additional infrastructure and associated development activity, which is currently unfunded and uncommitted.

3.4 **Congested Infrastructure**

3.4.1 As stated in paragraph 6 of the ECML General Representation letter, Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML.

3.4.2 One line of route that this application is proposing access rights for, are:

- Between Huntingdon North Jn and New England North Jn (Peterborough)

4 **Proposed ECML December 2025 Timetable**

4.1 As referred to in the ECML General representation letter, in February 2024 the ESG closed following an ECML Programme Board endorsement on 17 January 2024 to deploy the new ECML Timetable in December 2024, subject to the outputs of the completed performance modelling.

4.2 At the point in time of ORR's letter to the Industry on 24 April 2024, the Department for Transport (DfT) had accepted a recommendation from the Industry Timetable Assurance Project Management Office (PMO) to funders that the ECML ESG Timetable should be deferred from the December 2024 timetable change.

4.3 An ECML Industry Task Force (herein referred to as "the Task Force") commenced in June 2024 as an independently led executive-level cross-industry meeting that provides strategic direction for the work programme. The Task Force develops solutions to the problems of the new ECML Timetable, drives consensus on the outcome(s), and delivers recommendations for industry funders and specifiers.

4.4 On 17 October 2024 the Independent Chair of the Task Force wrote to the DfT to advise that the Task Force met on 10 October 2024, reviewed the considerations, issues, and risks, and recommended proceeding with implementation of the new timetable for ECML in December 2025. This was on the basis that the timetable is deliverable and meets the Task Force objectives that were set. Concerns were noted from GB Railfreight (representing themselves and other Freight Operating Companies), ScotRail and Transport Scotland. The Task Force recommendation was accepted by the DfT and subsequently endorsed by the Secretary of State in December 2024.

4.5 The Task Force had worked collaboratively up to 31 January 2025 to further de-risk the transition of the ECML ESG timetable from development to timetable production.

4.6 Advanced work completed by Network Rail Capacity Planning, to inform the December 2025 timetable risk, involved aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable (WTT) and associated Rolling Spot Bids (RSB). This process has highlighted that, despite previous timetable development work, the national freight and passenger timetable has evolved and this work has been necessary to reduce the risk that capacity decisions may need to be made during the timetable production period between D-40 to D-26.

4.7 Therefore, where in this letter and in the ECML General Representation letter we have referred to the Proposed ECML December 2025 Timetable, we are referring to the timetable work above namely, either full or in part, the:

- timetable which was developed by the ECML ESG and later deferred in April 2024;
- Timetable where solutions were developed to the problems of the ECML Timetable as part of the Task Force;
- Advanced Timetable Work (undertaken between April and October 2024) to de-risk the transition of the ECML ESG timetable from development to timetable production; and

- Advanced work to inform timetable risk including aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable and associated Rolling Spot Bids.

4.8 So where Network Rail highlight in this representation and the ECML General Representation letter (in the relevant annexes to that letter) whether the access rights sought on ECML in each application are as Network Rail expects in the Proposed ECML December 2025 Timetable, we are referring to whether the access rights align to the above timetable work which makes up the Proposed ECML December 2025 Timetable.

5 Access Rights Sought in the Application

5.1 The rights sought in this application:

The rights included in the 29 th SA (re-numbered to the 32 nd SA)	Specific locations identified in ORR's Letter	Interaction
1 return service Hull – London King's Cross on a weekday	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Doncaster and King's Cross
1 return service Hull - London King's Cross on a Saturday	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Doncaster and King's Cross

5.2 Annex B of this letter contains a table which shows all of the access rights requested in this application when set against the February 2025 version of the Proposed ECML December 2025 Timetable.

5.3 The Table in Annex B provides details of the access rights characteristics i.e:

- Origin
- Destination
- Quantum by Day of Week (Peak or Off Peak)
- If the access rights are currently held in the contract and proposed change is an amendment to those rights for e.g. calling pattern change, contingent to firm etc.

5.4 Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.

5.5 The table also identifies if the access rights origin and destination, quantum and calling patterns sought in the application, are as expected for the Proposed ECML December 2025 Timetable.

5.6 In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought for the northbound path are in line with the February 2025 version of the Proposed ECML December 2025 Timetable; the southbound path is not in line with the proposed timetable.

5.7 Furthermore, Network Rail can now confirm, following a check with Capacity Planning, that the calling pattern for the access rights in the application in a northbound direction are as expected for the Proposed ECML December 2025 Timetable (which means there is an update to what was provided in Annex B of Network Rail's ECML General Representation).

5.8 Network Rail would like to acknowledge that Hull Trains notified Network Rail and ORR on 10 March 2025 that the application has changed from the original application submitted to ORR by 20 May 2024 and ORR has agreed to the change to the application. The detail of the changes:

- The proposed rights as stated in the application were originally requested to commence from the December 2024 Timetable but have subsequently been updated to commence from December 2025.
- This SA has been re-numbered to the 32nd but Hull Trains requested that in correspondence it remained to be referred to as the 29th SA to avoid confusion. ORR has updated its website for case progression by referring to the application as "Hull Trains Company Limited 29th SA - renumbered 32nd SA".

6 Assurance / Assessments / Updates

6.1 The following section will address specific areas of consideration, opportunity and risk relevant to the application or where applicable to specific access rights in the application. Where the outputs relate to specific access rights instead of the application as a whole this will be highlighted in the relevant section.

6.2 Capacity

6.2.1 In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought for the northbound path are in line with the Proposed ECML December 2025 Timetable; the Southbound path is not.

6.2.2 The return working southbound was not included in the ECML ESG specification and the Southbound path runs through congested infrastructure.

6.2.3 Awarding the southbound right would impact Network Rail's ability to accommodate the rights which are aligned to the Proposed ECML December 2025 Timetable and would be an additional service to the performance assessment.

6.2.4 The additional rights applied for in this application are not running in the current timetable and, if any of the rights are approved, would be new services from December 2025.

6.2.5 The ECML December 2025 specification developed by the ECML ESG and subsequent ECML Industry Task Force took a holistic view of capacity and performance whilst considering service specifications, service aspirations and journey time outputs from ECML ESG and Task Force members. ORR in awarding the capacity to one of the operators identified as interacting within Annex A, in line with the proposed ECML December 2025 specification, would be allocating a proportion of the capacity that could otherwise be available to other Operators' applications, or elements of applications, which were not included in the ESG specification and that have additional capacity requests at that location.

6.2.6 In the case of any application that is related to the proposed ECML December 2025 Timetable, which was developed, modelled and recommended for progression into the development period - the most applicable alternative option, if the rights sought were not directed, in full or part, would be to allocate capacity to an Operator who has aspirations for an access right with similar characteristics, i.e. Long Distance High Speed services. Consequentially, the ORR may wish to consider the impact on the forecast operation and performance of the Timetable and the basis on which The Taskforce recommended the timetable for implementation and the modelling undertaken to assure it.

6.3 Performance

6.3.1 Network Rail can confirm that the northbound proposed service was included in the ECML Timetable Performance Analysis (Annex L) that is listed within Network Rail's ECML General Representation to ORR and is in line with the recommendation by The Task Force to proceed with the December 2025 timetable implementation. However, the Southbound service was not.

6.3.2 The Analysis in Annex L of the ECML General Representation, evidences that: factoring in the increasing level of TSAR above 16 tph over the Welwyn Viaduct and the modelled punctuality of the Proposed ECML December 2025 Timetable, any quantum of services above that included in the Proposed ECML December 2025 Timetable quantum would further increase the number of services planned on minimum headway, reducing the number of firebreaks in the timetable and the ability to withstand typical variations in train presentation without significant spread of delay between services and across service groups. The addition of the southbound service would increase quantum above that previously modelled, and recommended, timetable and evidences why Network Rail is not supportive of the southbound rights.

6.3.3 Furthermore, in Annex L Network Rail recommends "that where possible, dwell times at stations and performance allowances are used in key locations to protect performance, based on the modelling outputs and also the actual data that is now available post-December 2024 Go-Live to start informing any potential performance improvement activity. We are therefore unable to support its inclusion.

6.4 ECML Power Supply Modelling

6.4.1 Network Rail can confirm that this application directly relates to paragraph 11 of Network Rail's ECML General Representation letter to ORR and is included in the power modelling report in Annex M of said letter.

6.4.2 Network Rail wish to collaborate with Hull Trains on any necessary power mitigations and, where applicable, set these out in the TAC until such point future power upgrades alleviate the risk. For the avoidance of doubt this includes any request to run in 10-car formation.

6.5 Any other risks or cross-route concerns

6.5.1 None. The application goes across both East Coast route on the ECML and onto North & East route between Doncaster and Hull.

7 Conclusion

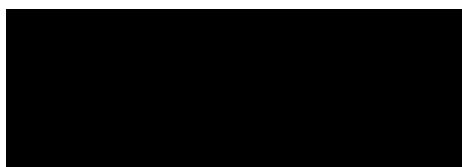
7.1 We are only able to support part of this application.

7.2 In this representation letter we have confirmed that we do support the northbound access rights sought in this application and they are as Network Rail expected in the Proposed ECML December 2025 Timetable. Network Rail does not support the southbound access rights sought in this application as they are not included in the Proposed ECML December 2025 timetable and would increase performance risk and capacity trade-offs. We have also provided an explanation to ORR of what the Proposed ECML December 2025 Timetable is an amalgamation of in terms of Advanced Timetable Work.

7.3 Network Rail has also highlighted in this letter a number of points we raised in our original representation letter. These are of points of clarification and amendments required to the proposed SA submitted with this application, that Network Rail believes have still not been fully addressed or that ORR need to take into consideration when making a direction on the application.

7.4 The Proposed ECML December 2025 Timetable is the output of all the collaboration the industry has undertaken since the ECML ESG was formed in 2019. Our position on this application is an output of that work.

Yours sincerely,



Mark Garner,
Customer Manager,
Eastern Region, Network Rail