



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 38th Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract (TAC) between Network Rail Infrastructure Limited and London North Eastern Railway (LNER) Limited dated 03 March 2017

1 Purpose

- 1.1 This letter provides final representations from Network Rail for the 38th Supplemental Agreement (SA) submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and LNER submitted to ORR on 20 May 2024.
- 1.2 This application relates to four other LNER applications all submitted to ORR on 20 May 2025. The 34th SA and 35th SA relate to amendments to Schedule 5 (Part C), whereas this application, the 36th SA and 37th SA relate to amendments to the existing Schedule 5 (Part B). If the 34th SA is approved by ORR, then Schedule 5 (Part C) will begin in December 2025 and Schedule 5 (Part B) will fall away.
- 1.3 This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024, and the 14 March 2025 General Representation on Complex and/or Competing Applications interacting on Location ECML Kings Cross - Edinburgh and Leeds.
- 1.4 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.
- 1.5 Network Rail can confirm that based on the facts, data and evidence outlined in this representation and the ECML General Representation, it expects this application to fall away with the introduction of the ECML Proposed December 2025 Timetable and approval of LNER's 34th SA, subject to any comments, suggested amendments or specific issues highlighted in this representation.
- 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', LNER submitted this application to the ORR on 20 May 2024 as a S22A application.

- 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 LNER 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.

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 General Representation to ORR on the ECML dated 14 March 2025 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", "Congested Infrastructure" and "ECML Timetable Performance Analysis".

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 dated 14 March 2025.
- 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 Department for Transport (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 descoped. 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 for 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 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 the ECML General Representation letter dated 14 March 2025 (paragraph 6) Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML.
- 3.4.2 Three lines of route that this application is proposing access rights for, are:
- Between Huntingdon North Jn and New England North Jn (Peterborough);
 - Between Northallerton Longlands Jn and Newcastle King Edward Bridge South via ECML; and
 - Between Doncaster Marshgate Jn and Leeds Copley Hill West Jn

4 ECML Proposed December 2025 Timetable

- 4.1 As referred to in the ECML General representation letter dated 14 March 2025, 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 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 WTT and associated RSBs.
- 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.

4.9 Access Rights Contained in the Application as Part of the ECML Policy

- 4.9.1 All of the rights in this application were supported under a Section 22 application using the ECML Policy and was applied for the December 2024 Timetable via the 42nd SA.
- 4.9.2 In addition to this, we would like to highlight to ORR that the rights applied for under the ECML Policy in the 42nd SA expire at the December 2025 timetable change but are expected to continue as part of the proposed December 2025 ECML Timetable without the need of the ECML Policy and will fall away from the December 2025 timetable change with the approval of LNER's 34th SA as the necessary rights are

included in the 34th SA. Any footnote relating to the ECML Policy will need to be deleted.

5 Access Rights Sought in the Application

5.1 The rights sought in this application:

The rights included in the 38 th SA	Specific locations identified in ORR's Letter	Interaction
London King's Cross – Newcastle, 6 weekday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Newcastle and King's Cross.
London King's Cross – York, 2 weekday and 5 Saturday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between York and King's Cross.
Newcastle – Edinburgh, 1 Sunday right	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Edinburgh and Newcastle.
Edinburgh – London King's Cross, 2 Sunday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Edinburgh and King's Cross.
Newcastle - London King's Cross, 4 weekday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Newcastle and King's Cross.
York - London King's Cross, 1 weekday and 6 Saturday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between York and King's Cross.
Edinburgh – Newcastle, 1 Saturday right	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Edinburgh and Newcastle.
London King's Cross – Leeds, 3 Saturday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Leeds.
London King's Cross – Leeds, 6 weekday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Leeds.
Leeds – Bradford Forster Square, 1 Saturday and Sunday right	(f) ECML Kings Cross-Edinburgh and Leeds	Leeds.
Leeds – London King's Cross, 2 Sunday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Leeds.
Leeds – London King's Cross, 7 weekday rights	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Leeds.
Doncaster – London King's Cross, 2 weekday and 1 Sunday right	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Doncaster.
Newark North Gate – Lincoln, 1 Saturday right	(f) ECML Kings Cross-Edinburgh and Leeds	Newark North Gate on ECML.
Lincoln – Newark North Gate, 1 Saturday right	(f) ECML Kings Cross-Edinburgh and Leeds	Newark North Gate on ECML.
Bradford Forster Square – Leeds, 1 Saturday and Sunday right	(f) ECML Kings Cross-Edinburgh and Leeds	Leeds.
Hull – Doncaster, 1 weekday right	(f) ECML Kings Cross-Edinburgh and Leeds	Doncaster on ECML.
King's Cross – Sunderland, 1 weekday right	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Newcastle. Note from December 2024 this right will be from Newcastle – King's Cross; the Sunderland – Newcastle portion will be removed via the Part J process.
Sunderland – King's Cross	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between King's Cross and Newcastle. Note from December 2024 this right will be from Newcastle – King's Cross; the Sunderland – Newcastle portion will be removed via the Part J process.

- 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 December 2025 ECML 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.
 - Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.
- 5.4 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 Timetable for December 2025, resulting in the rights proposed in this application falling away from December 2025.
- 5.5 In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought (in their entirety) in this application are expected to fall away with the introduction of the ECML Proposed December 2025 Timetable and approval of LNER's 34th SA.
- 5.6 The proposed rights as stated in the application are requested to commence from the December 2024 timetable but, as alluded to by LNER in an email on 20 February 2025 to ORR, the 42nd Supplemental Agreement moved the end date of their Schedule 5 Part B to December 2025 timetable change and this 38th Supplemental Agreement relates to changes to their Schedule 5 Part B. Network Rail would like to acknowledge that an updated Form P was notified to Network Rail and ORR on 07 January 2025 but no material changes were made to the application though it states that this "application only applies to Part B of LNER's track access agreement".

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 Network Rail can confirm that the access rights sought are existing services which are already running.

6.3 Performance

- 6.3.1 Network Rail can confirm that this application was included in the ECML Timetable Performance Analysis that is listed within Network Rail's General Representation to ORR on the ECML dated 14 March 2025. Please refer to Annex L of that letter for further information.

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 General Representation to ORR on the ECML dated 14 March 2025 and is included in the power modelling report which is an Annex (Annex M) to the 14 March 2025 General Representation.
- 6.4.2 Network Rail wish to collaborate with LNER 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 ad-hoc request to run in 10-car formation and the existing power mitigation arrangement between Newcastle and Edinburgh will need to remain in place until such point future power upgrades alleviate the risk.

6.5 Any other risks or cross-route concerns

- 6.5.1 Network Rail can confirm there are no other risks or cross-route concerns.

7 Conclusion

- 7.1 In this representation letter we have confirmed that we expect the access rights sought in this application to fall away with the introduction of the ECML Proposed December 2025 Timetable and approval of

LNER's 34th SA. In addition, 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 and confirmed that our position is based on these assessments.

- 7.2 Network Rail has also highlighted in this letter a number of points we raised in our original representation later a number of points of clarification and amendments required to the proposed Supplemental Agreement submitted with this application, that Network Rail believes have still not been fully addressed or ORR need to take the points into consideration when making a direction on the application.
- 7.3 The proposed ECML Timetable for December 2025 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