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**Network Rail Representations for the 20<sup>th</sup> Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract (TAC) between Network Rail Infrastructure Limited and Transport UK East Midlands Limited dated 01 September 2020.**

## **1 Purpose**

- 1.1 This letter provides Network Rail's final representations for the 20th Supplemental agreement submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Transport UK East Midlands Limited (EMR) submitted to ORR on 20 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 General Representation on Complex and/or Competing Applications interacting on Location ECML Kings Cross - Edinburgh and Leeds. 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.
- 1.3 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 some of the evidence and data to evidence our position is contained in the ECML General Representation letter dated 14 March 2025.
- 1.4 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 this application in part, subject to any comments, suggested amendments or specific issues highlighted in this representation. In particular, we will set out discrepancies and/or omissions in the calling patterns associated with the requested capacity, as it is these elements of the application which Network Rail is unable to support.

- 1.5 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', EMR submitted this application to 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 EMR 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 original representation and the course of action we require, are as follows:

### **2.5 Northwest & Central Region**

- 2.5.1 We acknowledge that North West and Central Region are undertaking an access rights review of Manchester Piccadilly, however the Region have confirmed that the paths sought by EMR can be accommodated at this location.

### **2.6 Spondon Level Crossing**

- 2.6.1 East Midlands Route Level Crossing team have confirmed that while the Level Crossing at Spondon was identified as a potential area of concern, following internal review it was confirmed that there was no operational, safety or performance risk, largely due to proposed increase in quantum's timing and small magnitude.

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

- 3.1 Network Rail can confirm that one of the services affected by this application requires 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. Specifically, the Sheffield – Norwich service which is to be extended to start from Manchester Piccadilly calls at Grantham and Peterborough, so information pertaining to the ECML is included in this representation. The new rights sought for this service, i.e. for the route between Sheffield and Manchester Piccadilly, lie away from the ECML geography.
- 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 "Congested Infrastructure".

### **3.3 Congested Infrastructure**

- 3.3.1 As stated in the ECML General Representation letter dated 14 March (paragraph 6) Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML.
- 3.3.2 One of the services to be amended by this application calls at Grantham and Peterborough as stated above, and therefore traverses the following location:
- Between Huntingdon North Jn and New England North Jn (Peterborough).

## **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 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.

## **5 Access Rights Sought in the Application**

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

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.

- 5.3 Transport UK East Midlands Ltd are seeking the following access rights to commence from December 2025 Timetable, expiring on the Subsidiary Change Date 2028.
- One additional service Nottingham - Manchester Piccadilly via Derby, departing Nottingham at 08.25 and arriving at Manchester 10.42, on Sunday morning.
  - An extension of the 12.45 Sheffield - Norwich to start from Manchester Piccadilly at 11.41 on Sunday morning.
- 5.4 This application falls under the criteria of ORR's 24 April 2024 letter to industry due to its interactions at Sheffield and Derby.
- 5.5 Network Rail can confirm that the quantum of rights sought (in their entirety) in this application are in line with what was expected in the proposed December 2025 Timetable, however the calling patterns for the services in the proposed December 2025 timetable are not reflected in the Regular Calling Pattern proposed in this 20<sup>th</sup> Supplemental Agreement, as indicated in Annex B.
- 5.6 EMR wish to update Table 4.1 of Schedule 5 of the Track Access Contract in a future Supplemental to be effective from the December 2025 timetable to capture the calling patterns as expected in the proposed December 2025 Timetable.
- 5.7 The different calling patterns are illustrated in the table below (stations that were expected in line with the proposed December 2025 Timetable in italics):

Service	Calling pattern requested in Supplemental Agreement	Calling pattern in proposed Dec 2025 timetable
Nottingham - Manchester Piccadilly	Derby, Dronfield, Chesterfield, Sheffield	Derby, <i>Belper</i> , Chesterfield, Sheffield, <i>Dore &amp; Totley</i> , <i>Stockport</i>
Manchester Piccadilly - Norwich	Sheffield, Chesterfield, Alfreton, Nottingham, Grantham, Peterborough, Ely and Thetford	<i>Stockport</i> , <i>Dore &amp; Totley</i> , Sheffield, Chesterfield, Alfreton, Nottingham, Grantham, Peterborough, Ely, Thetford

- 5.8 As indicated above, there are station calls for the new services (in italics) in the proposed December 2025 timetable that are not listed in the updated calling pattern supplied in the 20<sup>th</sup> Supplemental Agreement for the new Manchester Piccadilly – Norwich service.
- 5.9 The calling pattern for the Nottingham-Manchester Piccadilly Service in the Supplemental Agreement includes a station (Dronfield) not included in the proposed December 2025 timetable; as such, Network Rail would not support its addition to Table 4.1 of Schedule 5 (calling pattern).
- 5.10 Network Rail does not support calling patterns included in this application that are not as expected in the proposed ECML December 2025 Timetable For any calling patterns missing from the application, then Network Rail would expect these to be addressed in a separate application (such as the proposed EMR 24th SA).
- 5.11 Network Rail would like to state that an additional Supplemental Agreement to rectify the higher quantum and calling pattern issues described above would not necessarily be supported under Section 22.
- 5.12 It will be dependent on timing of the application and whether other applications seeking capacity at the same interacting locations will have been directed by ORR by then. This is in line with ORR's position in its letters of 24 April to the Industry and 1st November 2024 that it may not make decisions on access rights notified after 20 May 2024 until it makes directions on those applications submitted in time.
- 5.13 Network Rail might also consider whether any such amendments sought could be supported under the Interim Approach. However, this will also be dependent on timing.

## **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 quantum of rights sought in this Application are in line with the proposed December 2025 ECML Timetable; however, the calling pattern is not, as set out above.

6.2.2 The additional Sunday morning paths are new from December 2025. Network Rail have not identified any non-resolvable conflicts between the aspired services and other unsupported applications, where information has been provided to Network Rail. However, were ORR to make a direction on these they would be making a decision which could impact capacity at Sheffield, Sheffield-Derby and other operators which intend to use the network between Stockport-Manchester. Specific to rights at Manchester and Stockport, there is capacity for these rights alongside services included in the May 2025 timetable and those covered by the May 2025 interim approach, aligned to other unsupported applications. There is an aspirant open access operator at this location who is not operating in May 2025 and ORR may wish to await representations on the relevant application before concluding its own decision making.

### **6.3 Performance**

6.3.1 Network Rail's route performance teams are satisfied that there are no performance concerns relating to this application, having been assessed by TP-RAM and TP-REP. Northwest & Central Region's performance review of Manchester Piccadilly station has not raised any concerns over performance due to the low level of service operating on Sunday versus weekdays.

6.3.2 Please refer to the ECML 14 March letter and Annex L of the March 14 letter for further information on ECML performance. Note the ECML performance modelling did not include Sundays.

### **6.4 Other applications**

6.4.1 Network Rail notes that Transpennine Trains Limited's 67<sup>th</sup> Supplemental Agreement seeks contingent rights for additional Sunday services to depart from Manchester Piccadilly. These services have already been accommodated in the timetable and it has been confirmed that this application does not conflict with the rights sought in this EMR 20<sup>th</sup> Supplemental Agreement. Network Rail is satisfied that the capacity sought is available for the proposed paths.

6.4.2 Network Rail would like to highlight to ORR, that there have been numerous applications both directed by ORR or currently being considered by ORR which state the intention to use either Class 221's or Class 222's and consideration to be given by ORR, whether there is enough rolling stock availability for any application directed in support of the requested access rights, where they are proposed to use this rolling stock.

### **6.5 Key points from initial representations**

6.5.1 Network Rail stated in its 28 June 2024 representation letter that at the time of writing Network Rail "[was] unable to support the application due to the volume of analysis required before a coherent understanding of the proposal's impact can be formed. However, Network Rail is agnostic about the outcome of these assessments and subject to reaching a positive conclusion via the outputs of the work outlined in Capacity Planning's and NW&C Region's high-level plans, support for the application may be forthcoming." Network Rail now considers the relevant assessments to have developed sufficiently to allow for an appropriately informed view, outlined in this representation.

6.5.2 The Level Crossing at Spondon was identified as a potential area of concern, but following internal review it was confirmed that there was no operational, safety or performance risk, largely due to proposed increase in quantum's timing and small magnitude.

### **6.6 Any other risks or cross-route concerns**

6.6.1 There are no other cross-route concerns relating to this application.

## **7 Conclusion**

- 7.1 In this representation letter we have confirmed that we do, in part, support the access rights sought in this application with the exception those of those aspects of the calling pattern which diverge from the proposed December 2025 timetable, though in terms of quantum they are as Network Rail expected.
- 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 hard 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,



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## **List of annexes**

Annex A – interacting locations matrix  
Annex B – Table of Access Rights