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Network Rail Representations for the proposed GTR 62nd Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and Govia Thameslink Railway Limited dated 2nd March 2016.

1. Purpose

- 1.1 This letter provides final representations from Network Rail for the 62nd Supplemental Agreement (SA) submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Contract (TAC) dated 2nd March 2016 between Network Rail Infrastructure Limited (Network Rail) and Govia Thameslink Railway Limited (GTR).
- 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 some of the evidence and data to support our position is 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 partly supportive of this application, subject to any comments, suggested amendments or specific issues highlighted in this representation. There are some instances where quantum or calling patterns are not as expected for the ECML Proposed December 2025 Timetable. In these instances, Network Rail has outlined within Section 9 Access Rights Sought in this Application, which rights we are able to support.

- 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', GTR submitted this application to the ORR on 20 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 GTR responded to the Network Rail initial representations letter. 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. As this application was for the December 2024 TT these items have been resolved using the Interim Approach under the 65th SA for December 2024 and the 67th SA for May 2025 with the exception of:
 - "The request for contingent rights to be converted to firm until the end of Govia Thameslink Railway Limited Track Access Contract at PCD2026 can only be considered in line with a consistent approach applied to all operators for ECML. Network Rail will not be able to provide a position on this until work required in either Phase 3, for May 2025 implementation, or Phase 5 for December 2025 implementation, of the High-Level Plan has concluded.

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 “Congested Infrastructure” and “ECML Timetable Performance Analysis”.

4. Unused London North Eastern Railway (LNER) Firm Directed Rights

4.1 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.

4.2 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.

4.3 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 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.

4.4 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.

4.5 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.

5. Congested Infrastructure

5.1 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.

5.2 The line of route that this application is proposing access rights for, is:

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

6. ECML Proposed December 2025 Timetable

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

6.7 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 in 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.

6.8 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.

7. Access Rights Contained in the Application as Part of the ECML Policy

7.1 Some of the rights in this Application, meaning the extension of all firm dated rights already held by GTR within service group ET05, were supported under a Section 22 application using the ECML Policy and were applied for the December 2024 Timetable via the 65th SA.

7.2 In addition to this, we would like to highlight to ORR that the rights applied for under the ECML Policy in the 65th SA, meaning all firm dated rights held by GTR, 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. ORR are to note that any footnote relating to the ECML Policy will need to be deleted.

8. Access Rights Contained in the Application as Part of the Interim Approach

8.1 Some of the rights in this Application, meaning the rights in the table below, were supported under a Section 22 application using the Interim Approach and were applied for the December 2024 Timetable / May 2025 Timetable via the 65th and 67th SA's. The latter of which will expire in December 2025.

1						2					
Service Group: ET05 ^{67th SA}											
Service description: Great Northern Outer											
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Total Weekday ³	Saturday	Sunday
Peterborough	King's Cross	Welwyn Garden City	5.1	21727000	387	0	0	0	0	1	0
Peterborough	King's Cross	Welwyn Garden City	5.3	22727100	700	0	0	0	0	0	16
King's Lynn	King's Cross	Welwyn Garden City	5.5	21725000	387	1	0	4	5	3	0
Royston	King's Cross	Welwyn Garden City	5.19	21726000	387	0	0	1	1	1	0
Letchworth Garden City	King's Cross	Welwyn Garden City	5.20	22726100	700	3	0	2	5	0	0
King's Cross	Peterborough	Welwyn Garden City	5.23	21727000	387	0	4	0	4	3	17
King's Cross	King's Lynn	Welwyn Garden City	5.25	21725000	387	0	2	0	2	1	0
King's Cross	Cambridge	Welwyn Garden City	5.34	22726100	700	0	0	2	2	1	0
King's Cross	Letchworth Garden City	Welwyn Garden City	5.37	22726100	700	0	0	2	2	1	0
King's Cross	Cambridge	Welwyn Garden City	5.39	22726100	700	0	0	1	1	0	0

Kings Cross	Ely		5.42	21725000	387	0	2	0	2	0	0
Kings Cross	Kings Lynn		5.43	21725000	387	0	0	1	1	0	1

9. Access Rights Sought in the Application

9.1 The rights sought in this application as stated in the Form P are: All rights held as contingent in Service Group ET05 to be converted to firm rights until the end of contract at PCD26.

- b) All firm dated rights are extended to the later of SCD25 or consistent with Network Rails approach to access rights on the ECML. These access rights are captured in the 65th and 67th S22 SA's that have been approved by ORR and are no longer required for this application.
- c) Some additional Kings Cross to Letchworth services – utilising previously held rights required to the later of SCD25 or consistent with Network Rails approach to access rights on the ECML. These access rights are captured in the 65th and 67th S22 SA's that have been approved by ORR and are no longer required for this application.
- d) London St Pancras <> Peterborough Sunday rights only to be amended to London Kings Cross <> Peterborough. These access rights are captured in the 65th and 67th S22 SA's that have been approved by ORR and are no longer required for this application.
- e) A small number of additional rights in line with increased demand for services required to the later of SCD25 or consistent with Network Rails approach to access rights on the ECML. These access rights are captured in the 65th and 67th S22 SA's that have been approved by ORR and are no longer required for this application.
- f) Some additional calls to reflect proposed service patterns, as these have not been linked specifically to the ECML access rights approach it is assumed that these are required to the end of contract at PCD2026. These access rights are captured in the 65th and 67th S22 SA's that have been approved by ORR. The additional calls requested are also included in the 63rd S22A SA and so for the purposes of this application are considered a duplication.

9.2 The above access rights sought have been approved by ORR under the 65th and 67th S22 with the exception of the following: All rights held as contingent in Service Group ET05 to be converted to firm rights until the end of contract at PCD2026.

9.3 Network Rail are unable to support any access rights requested in this 62nd SA, where ORR approval has already been given under a subsequent supported application, or any calling pattern amendments that have also been requested in the 63rd SA as this is considered a duplication. For clarification these are points (b) to (e) under paragraph 9.1.

9.4 Although ORR may already be aware, Network Rail would like to draw attention to the fact that all of GTR's rights, both firm and contingent within Service Group ET05, for services that operate on the ECML are dated to expire in December 2025, therefore if ORR did not direct on this application GTR will not have access rights to run services for their entire ET05 Great Northern Outers Service Group.

9.5 Annex B of this letter contains a table which shows all of the requested access rights in this application reviewed and compared in detail against the expected access rights for GTR for the ECML Proposed December 2025 Timetable.

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) of access rights requested.
- Quantum Day of Week (Peak or Off Peak of access rights expected for the ECML Proposed December 2025 Timetable.
- Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.

9.6 In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail have highlighted where the rights sought in this application are in line or not in line with what was expected in the proposed December 2025 ECML Timetable.

9.7 The columns headed '*No. of rights requested*' and coloured Blue in Annex B detail the quantum of rights and calling patterns requested by GTR in their 63rd S22A application.

9.8 The columns headed '*No of rights expected to be applied for*' highlighted in Purple in Annex B details the quantum of rights and calling patterns that Network Rail expects GTR to require for the proposed December 2025 ECML Timetable.

9.9 Network Rail are only able to support rights requested by GTR that are equal to or lower than those expected for the proposed December 2025 ECML Timetable.

9.10 All rights that Network Rail can support are highlighted Green within Annex B because they are in line with what was expected.

9.11 Network Rail would like to acknowledge that GTR notified Network Rail and ORR on 24th May 2024 that the application had changed from the original application submitted to ORR by 20 May 2024 and ORR had agreed to the change to the application.

10. Assurance / Assessments / Updates

10.1 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.

11. Capacity

11.1 In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought in this Application are broadly in line with the proposed December 2025 ECML Timetable.

11.2 Network Rail can confirm that almost all of the access rights sought are already running in the current timetable.

11.3 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.

- 11.4 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.

12. Performance

- 12.1 Network Rail can confirm that this application was included in the ECML Timetable Performance Analysis that is included 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).
- 12.2 The ECML Timetable Performance Analysis shows an expected drop in performance for GTR services, that operate within the model's geography. The model did not extend south of Kings Cross. The performance impact on Network Rail's Southern Region is therefore currently unknown. Please refer to sections 4.3 – ECML Development Timetable Readiness and 10 – Performance Delivery Programme which will help to mitigate risks around performance and timetable readiness.
- 12.3 Further analysis is being undertaken within the Region, to provide an understanding of the likely impact on Southern Region. Network Rail Southern Region understands the need to proceed with the proposed ECML December 2025 Timetable and will work with Operators and neighbouring Network Rail routes on readiness activities.

13. ECML Power Supply Modelling

- 13.1 Network Rail can confirm that this application directly relates to paragraph 11.4 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.
- 13.2 Network Rail wish to collaborate with GTR on any necessary power mitigations and, where applicable, set these out in the TAC until such point future power upgrades alleviate the risk.

14. Any other risks or cross-route concerns

- 14.1 Network Rail recognise that the introduction of the ECML ESG TT delivers wider benefits for GTR.
- 14.2 A fleet introduction of 379 units is currently under way on the Great Northern Routes. This has enabled 387 units to begin to transfer from Great Northern to Southern. This in turn

enables a fleet cascade of 377 units from GTR to Southeastern. The ECML ESG TT allows for more efficient diagramming of units supporting this fleet cascade.

- 14.3 The introduction of the ECML ESG TT also enables GTR to call at Cambridge South station, as within current timetable parameters this ability is reduced. This calling pattern amendment is relevant to the services in this application but the addition of the calling pattern is covered in the 63rd SA not this application.
- 14.4 Whilst ORR may be aware, Network Rail would like to highlight to ORR an existing specific provision, provided by way of footnotes within Schedule 5 of GTR Track Access contract, that relates to services that operate through the Thameslink Core and is applicable to this application.
- 14.5 All Thameslink services are formed of two separate access rights, that change Train Service Codes at either Blackfriars in the Southbound direction or St Pancras in the Northbound direction. For this application this relates to services between Cambridge <> Brighton . The footnotes within Table 2.1 of Schedule 5 stipulate that GTR must make an access proposal for both access rights to form a single service from Origin to Destination.
- 14.6 Should ORR not make a direction for the Thameslink services contained within this application, this will also impact rights within Service Group ET02 and the ability of the operator to make a compliant Access Proposal.

15. Conclusion

- 15.1 In this representation letter we have confirmed the access rights sought in this application that we are able to support. These are highlighted in green as set out in Annex B. For the avoidance of doubt, these are all Contingent Dated rights previously held in line with the ECML Policy (not supported utilising the interim approach) to be turned to Firm to end of contract. This is with the exception of the following requested access rights that are not expected within the proposed ECML December 2025 Timetable and therefore are not supported:
- 5.13 Cambridge to Blackfriars all SX Rights requested.
 - 5.32 Kings Cross to Baldock all SX Rights requested.
- 15.2 Network Rail is unable to support any access rights requested in this 62nd SA, where ORR approval has already been given under a subsequent supported application, or any calling pattern amendments that have also been requested in the 63rd SA, as this is

considered a duplication. This relates specifically the following access rights sought in this application:

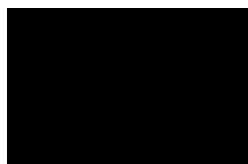
- All firm dated rights are extended to the later of SCD25 or consistent with Network Rail's approach to access rights on the ECML.
- Some additional Kings Cross to Letchworth services – utilising previously held rights required to the later of SCD25 or consistent with Network Rails approach to access rights on the ECML.
- London St Pancras <> Peterborough Sunday rights only to be amended to London Kings Cross <> Peterborough.
- A small number of additional rights in line with increased demand for services required to the later of SCD25 or consistent with Network Rails approach to access rights on the ECML.
- Some additional calls to reflect proposed service patterns, as these have not been linked specifically to the ECML access rights approach it is assumed that these are required to the end of contract at PCD2026.

15.3 The rights Network Rail are able to support are in line with what is expected in the proposed ECML December 2025 Timetable. 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.

15.4 Network Rail has also highlighted in this letter a number of points we raised in our original representation letter. These are 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 that ORR need to take into consideration when making a direction on the application.

15.5 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



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ANNEXES

Annex A – Interacting Locations Matrix

Annex B – Comparison of Requested and Expected Access Rights in this Application