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28 March 2025

Dear Alice,

Network Rail Representations for the 34th 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 representations from Network Rail for the 34th 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. This application and the 35th SA relate to amendments to Schedule 5 (Part C), whereas the 36th SA, 37th SA and 38th 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 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.
- 1.6 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 for its Schedule 5 rights but not for its proposed TAC extension, subject to any comments, suggested amendments or specific issues highlighted in this representation.
- 1.7 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 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 24 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.
- 2.4 The points we would like to highlight from the original representation and the course of action we require, are as follows:
- Within the SA: "Network Rail notes that the intention of this application is to tidy up the future intended rights for the ECML ESG once implemented (Schedule 5 Part C). The Appendix showing a Schedule 5 Part C mark-up appears to show quantum increases which Network Rail will discuss with LNER given that the Form P states that the Part C revisions are to reflect the ESG quantum i.e. within the 2016 directed rights. Network Rail wishes to work with LNER to adjust the potential amendments to reflect the emerging ESG position." In their representation letter of 24 July 2024, LNER stated that the "assumptions in the supplemental were made based on the information at the time of submission and that ESG timetable would be delivered in May 2025. We recognize that this has now been deferred to December 2025 and will be submitting the necessary amendments to this and the other supplementals."
 - Within the Form P: Network Rail welcomes that the retention of the additional 0.5TPH London <> Leeds has been excluded from this application and will be managed through a separate application from May 2028. Network Rail notes that the ECML ESG performance modelling was included in the submission, as well as its Priority Date Notification Statement for December 2024, to support its application." In their representation letter of 24 July 2024, LNER did not specifically respond to this point but mentioned that they will continue to work to deliver the necessary rights for delivery of the industry agreed timetable. LNER also stated that the "rights requested remain within the grant of rights made by the ORR in May 2016 and LNER remains committed to deliver the East Coast Mainline (ECML) event steering group (ESG) timetable) and we believe it would be unsafe for the rights to be materially altered."
 - Within the SA and Form P: "Network Rail notes that the application is identified as a Section 22A though an unsupported TAC extension can only be undertaken via Section 17 of the Railways Act". In their representation letter of 24 July 2024, LNER noted "the comments concerning the use of a

section 22A application for a TAC extension and will work with Network Rail to deliver a revised TAC” but did not withdraw their request for a 5 year TAC extension by providing an updated SA and updated Form P. As a consequence Network Rail cannot support the 5 year TAC extension but Network Rail will work with LNER to deliver any extension to their current TAC in line with the contract between LNER and DfT.

2.5 Network Rail would also like to highlight from the original representation on the 36th SA, of which its rights are included in this 34th SA, the following:

- Network Rail is aware that further infrastructure work is required at Bradford to enable a new platform and the extensions are dependent on its delivery. Further work also required at Shipley in order for the operator to use platform 4. Until this work is completed it will limit the operator's ability to call at Shipley and so currently Network Rail cannot support a regular calling pattern call (a firm right call) at Shipley and instead requests, as per the 44th SA, that the call at Shipley remains contingent in Schedule 5 (Part C) via this 34th SA.
- Network Rail questioned whether “the proposed rights need to be shown separately to a London passenger train slot, i.e. the current proposal shows Leeds – Bradford not London – Bradford. Network Rail notes there may not be platform capacity for the two to operate independently”. Network Rail requests, as per the 44th SA, that clause 2.3 in Schedule 5 (Part C) is updated via this 34th SA to reflect the intended operation:

2.3 In order to provide through Services the Train Operator has:

- a) Firm Rights to couple and uncouple trains at Leeds, Doncaster, York, Newcastle and Edinburgh Waverley.
- b) Firm Rights to combine Passenger Train Slots at Leeds.
- c) Contingent Rights to combine Passenger Train Slots at Leeds.

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 ECML Proposed December 2025 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. These are 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.

3.3.2 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.

3.3.3 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.

- 3.3.4 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 (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 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 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.
- 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 Contained in the Application as Part of the Interim Approach – relating to the 36th SA**
- 5.1 As stated in our NR Representation letter of 28 June 2024 and as extracted from that representation in the section above “Background of the Application and NR Representations”, some of the rights in this application (extensions between Leeds and Bradfords on weekends) are going through industry process under a Section 22 application using the Interim Approach and supported for one timetable periods, contingent, with no presumption of continuity. This approach was applied for the May 2025 Timetable via the 44th SA.
- 5.2 In addition to this, we would like to highlight to ORR that the rights applied for under the Interim Approach in the 44th SA will fall away from the December 2025 timetable change as the necessary rights are included in this 34th SA. ORR are to note that any footnote relating to the Interim Approach will need to be deleted.
- 6 Access Rights Contained in the Application as Part of the Interim Approach – relating to the 37th SA**
- 6.1 As stated in our NR Representation letter of 28 June 2024 and as extracted from that representation in the section above “Background of the Application and NR Representations”, some of the rights in this application (a 2-hourly service between York and Newcastle, including Northallerton calls) were supported under a Section 22 application using the Interim Approach and supported for two timetable periods, contingent, with no presumption of continuity. This approach was applied for the December 2024 and May 2025 Timetables via the 41st SA and 45th SA respectively.
- 6.2 In addition to this, we would like to highlight to ORR that the rights applied for under the Interim Approach in the 41st SA and 45th SA will fall away from the December 2025 timetable change as the necessary rights are included in this 34th SA. ORR are to note that any footnote relating to the Interim Approach will need to be deleted.
- 7 Access Rights Contained in the Application as Part of the ECML Policy – relating to the 38th SA**
- 7.1 Some of the rights in this application (as per all rights in Table 2.2 of Schedule 5 Part B) were supported under a Section 22 application using the ECML Policy and was applied for the December 2024 Timetable via the 42nd 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 42nd SA expire at the December 2025 timetable change which is when their Schedule 5 Part B expires. The necessary rights, as listed in the 38th SA, are included in this 34th SA. ORR are to note that any footnote relating to the ECML Policy will need to be deleted.
- 8 Expiry Date amendment**
- 8.1 The 34th SA requests the Expiry Date of the TAC being amended from Principal Change Date 2025 to Principal Change Date 2030. Network Rail can confirm that the Expiry Date has been amended to Subsidiary Change Date 2027 via the 40th SA under Section 22 of the Railways Act, as this aligns with the contract between LNER and Department for Transport (DfT), as stated in ORR’s decision letter dated 20 November 2024. Network Rail would like to reiterate, as per its initial representation on 28 June 2024, that an unsupported TAC extension can only be undertaken via Section 17 of the Railways Act and not a Section 22A as per this 34th SA. As a consequence Network Rail cannot support the 5 year TAC extension but Network Rail will work with LNER to deliver any extension to their current TAC in line with the contract between LNER and DfT.

Access Rights Sought in the Application

8.2 In summary the Schedule 5 rights sought in this application are a tidy up of LNER's Schedule 5 (Part C) rights tables to reflect what was the finalised ECML ESG timetable within their Schedule 5 (Part C):

Summary of the rights included in the 34th SA	Specific locations identified in ORR's Letter of 24 April 2024	Interaction
One additional tph between London Kings Cross and Newcastle (changing from 5 tph to 6 tph)	(f) ECML Kings Cross-Edinburgh and Leeds	ECML
Change to the standard calling pattern		
Extension of London Kings Cross services onto Bradford Forster Square and Middlesbrough (when necessary infrastructure completed)		
Continuation of existing rights already running in the current timetable	(f) ECML Kings Cross-Edinburgh and Leeds	ECML

8.3 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.

8.4 The Table in Annex B shows 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.

8.5 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 Timetable for December 2025.

8.6 Network Rail can confirm that all of the access rights sought are already running in the current timetable with the exception of:

- the extra train every hour between London and Newcastle (which will begin from December 2025); and
- the extensions to Bradford (to begin from May 2025) and Middlesbrough.

8.7 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 in line with the February 2025 version of the proposed December 2025 ECML Timetable. Any other "No's" listed in Annex B as included in the ECML General Representation dated 14 March 2025 have been corrected. See Annex B appended to this letter for the updated details.

8.8 Network Rail would like to acknowledge that LNER notified Network Rail and ORR on 07 January 2025 that the application has not changed from the original application submitted to ORR by 20 May 2024 but LNER stated in the revised Form P that:

- "LNER has firm rights for its services as directed by the ORR and our application is within the envelope of rights granted. Work on the ESG timetable has continued since the consultation took place and has demonstrated with more certainty that the additional LNER services can be accommodated. The ECML Taskforce has reviewed the progress of this work and has agreed to proceed with the ESG timetable. This position has been publicly endorsed by the Secretary of State for Transport."
- "No significant changes have been made to the application however work has continued on the development of the ESG timetable in line with the industry program of work to resolve the outstanding issues".

9 Assurance / Assessments / Updates

9.1 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.

9.2 Capacity

9.2.1 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 in line with the February 2025 version of the proposed December 2025 ECML Timetable.

9.2.2 However, ORR are to separately note that the following conflict, has been identified through the December 2025 Timetable advance work which included aligning cross boundary paths in the ECML ESG developed timetable developments in the wider National Working Timetable:

- LNER head code (1B89, Lincoln – London Kings Cross service) with a freight path included in another unsupported application (6M55).

9.2.3 Network Rail can confirm that all of the access rights sought are already running in the current timetable with the exception of:

- the extra train every hour between London and Newcastle (which will begin from December 2025); and
- the extensions to Bradford (to begin from May 2025) and Middlesbrough.

9.2.4 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.

9.2.5 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.

9.3 Performance

9.3.1 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.

9.4 ECML Power Supply Modelling

9.4.1 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 Annex M to the 14 March 2025 General Representation.

9.4.2 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.

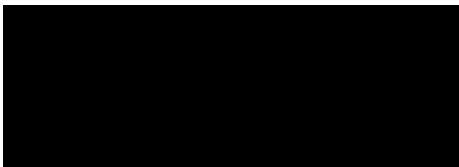
9.5 Any other risks or cross-route concerns

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

10 Conclusion

- 10.1 In this representation letter we have confirmed that we do support the access rights sought in this application and they are as Network Rail 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. Network Rail has also confirmed in this representation that we do not support the TAC extension for the reasons outlined in this letter.
- 10.2 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.
- 10.3 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,
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Eastern Region, Network Rail