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02 May 2025

Dear Alice,

Network Rail Final Representations for the 12th Supplemental Agreement (SA) - renumbered 17th SA - submitted under Section 22A of the Railways Act 1993 for the Track Access Contract (TAC) between Network Rail Infrastructure Limited and East Coast Trains Limited (trading as Lumo) dated 3 October 2016

1 Purpose

1.1 This letter provides final representations from Network Rail for the 12th SA (renumbered 17th SA) submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Lumo dated 3 October 2016 submitted to ORR on 19 May 2024.

1.2 This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024, and the 14 March 2025 ECML General Representation on Complex and/or Competing Applications interacting on ECML Kings Cross - Edinburgh and Leeds. Network Rail notes that Lumo have submitted this application based on the premise that the rights sought in the 11th SA (renumbered as the 16th SA) have been approved, but these are not being considered in this final representation as Network Rail provided its final representation on the 11th SA (renumbered as the 16th SA) on 28 March 2025. Should ORR not agree with Network Rail's position regarding the 11th SA (renumbered as the 16th SA), then the proposed SA relating to this application will need to be updated. ORR need to be cognisant of the sequencing of any directions on the 11th and 12th SAs (renumbered as the 16th and 17th SAs).

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 evidence 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 supportive of part of this application. Network Rail is supportive of two Northbound rights and one Southbound right between Edinburgh Waverley and Glasgow Queen Street High Level on weekdays (SX), and one right in each direction on Sundays in a 5-car formation only (which will be combined with an existing London King's Cross to Edinburgh service to form a through service to Glasgow Queen Street High Level from London King's Cross, via Edinburgh), subject to any comments, suggested amendments or specific issues highlighted in this representation, but is not supportive of the other rights requested in this application. For the avoidance of doubt, the rights are supported as extensions (not independent rights between Edinburgh and Glasgow).

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', Lumo submitted this application to the ORR on 19 May 2024 as a S22A application in line with ORR's deadline.

2.2 As requested by ORR, Network Rail submitted a High-Level Plan in June 2024, and a further detailed plan was published on Network Rail's website in August 2024 and updated in January 2025. Network Rail made its initial representations on this application on 28 June 2024 where an initial view of the application Form P and SA was provided. On 22 July 2024 Lumo 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, we have noted this below for the Operator and/or ORR to address or take into consideration.

2.4 The points we would like to highlight from the initial representation and the course of action we require, are as follows:

2.4.1 Within the SA:

- "Section 2 (Effective Date and Term):
    - As stated on 28 June 2024, Network Rail notes that this Supplemental Agreement refers to "Section 22" when it is currently a "Section 22A".

- Network Rail notes that the Effective Date b) states “Subsidiary Change Date 2025” but it is Network Rail’s understanding that this application is now for December 2025 initially with further passenger train slots to be used from May 2026 (as per Lumo’s email to ORR on 19 December 2024). In their representation letter of 22 July 2024, Lumo did not specifically address this point but stated: “As far as the application particulars are concerned, it is recognised that there may be some drafting corrections to be made, We also recognise the overall position regarding these applications and their start dates is uncertain, given the current position with a future ECML timetable.” We would expect ORR to take this comment into account when they make a direction.

- Section 3.2: Network Rail stated on 28 June 2024 that it “cannot currently support the proposed model clause wording to enable the combining of Passenger Train Slots. The Form P for the application implies that all Lumo services will be extended onto Glasgow Queen Street and so questions whether combining Passenger Train Slots is required”. Lumo has now confirmed that this clause is required as not all trains extend to Glasgow Queen Street. Network Rail does not have a concern with the combining of Passenger Train Slots at Edinburgh Waverley, if is a 5-car service forming a 5-car service, but Network Rail cannot support the rights if Lumo intend to combine 2 units, i.e. joining two 5-cars together. In the 28 June 2024 representation it was stated that this is due to “current power constraints on the ECML”, however, it is also not feasible to operate any formation in excess of a 5-car at Glasgow Queen Street as the longest platform is 196m long a 10 car set is 260m long. It is our understanding that Lumo run 5-car in fixed formation and so any increase in the number of cars would need to be communicated to Network Rail and normal industry processes would need to be followed. Network Rail notes from Lumo’s 22 July 2024 response that “the combining clause is required to cater for the possibility of any train being run as two separate portions (Glasgow QS- Edinburgh and Edinburgh-Kings Cross), should the timetable require it” and that Lumo “fundamentally disagree with any additional wording regarding the joining of 5 cars together. We regard this proposed clause as both discriminatory and unduly restrictive, concerning something that should be included on a general basis (for all operators) in the Train Planning Rules”.. For the avoidance of doubt, Network Rail notes that there is a platform constraint at Glasgow Queen Street which precludes the running of a 10-car service between Glasgow Queen Street High Level and Edinburgh. Network Rail may consider reviewing the Timetable Planning Rules in future in relation to 10-car working. We would expect ORR to take this comment into account when they make a direction. Network Rail is supportive of a footnote to Table 2.1 of Schedule 5 specifying the quantum permitted to combine, rather than inclusion of Edinburgh Waverley in paragraph 2.3 of Schedule 5 as requested by Lumo in this application.

- Appendix 1: On 28 June 2024 Network Rail stated that it “cannot currently support these additional firm rights in Table 2.1…” but Network Rail can now confirm its partial support of the access rights being requested, and in section 5 (“Access Rights Sought”) of this letter we give our position on the proposed rights in more detail.

- Appendix 2: On 28 June 2024 Network Rail stated that “the heading (Appendix 2) is missing above the marked-up Table 4.1 and should be inserted. Network Rail notes that the second table contained within section 4 Calling Patterns within the Track Access Contract has been removed. Network Rail cannot support this removal.” We note from the Form P that “Not all services can stop at either or both of Haymarket and Falkirk High so these are shown as Additional station Stops”. Network Rail does not support the replacement of both Calling Pattern tables with the single table proposed by this Supplemental Agreement, and also requires the existing footnote to this table, “[1] Limited to no more than 2 calls per day (pick up only) in the North-bound direction, and 2 calls per day (set down only) in the South-bound direction” to remain unaltered. The proposed footnote removes the restrictions on the number of calls per day which has not been approved and is not supported by Network Rail. As stated in the Form P this application relates to the extension of services to Glasgow Queen Street and as such should not make alterations south of Edinburgh.

2.4.2 Within the Form P:

- Network Rail notes that the point made on abbreviations on 28 June 2024 remains: “Network Rail notes that abbreviations have been used throughout (ECS, PCD, SCD and ECML ESG). Network Rail believes these relate to “empty coaching stock moves” (for ECS), “Principal Change Date” (for PCD), “Subsidiary Change Date (for SCD), “East Coast Mainline” (For ECML) “Event Steering Group” (for ESG).” In their representation letter of 22 July 2024, Lumo did not specifically address this point but stated: “As far as the application particulars are concerned, it is recognised that there may be some drafting corrections to be made…”
- Section 1.5 Executive summary of the proposed contract or amendment: Network Rail notes that the following point made on 28 June 2024 remains unresolved: “Network Rail notes that the “Date approval or directions wanted by” question is not answered.”
- Section 3.2 Safety risks: Network Rail can now confirm that the additional power these proposed additional rights would use has been considered via the power modelling workstream and Lumo are to note the ongoing requirement to collaborate with Network Rail before each timetable change on any necessary power mitigations as per section 6 below entitled Power Supply Modelling.
- Section 4.3 Performance: Network Rail noted on 28 June 2024 that “that no detailed performance analysis has yet been carried out”. Network Rail can now confirm that the supported rights are expected to be low risk from a performance perspective. While it is important we maintain strong performance figures on the route between Edinburgh and Glasgow via Falkirk High (E&G), we believe this can be achieved even with the addition of a cross-border operator at Glasgow Queen Street High Level as:
    - There is only 1 intermediate calling point between Haymarket and Glasgow Queen Street High Level (Falkirk High), passenger loading delays are unlikely;
    - There are extended turnrounds at Glasgow Queen Street High Level (for example 38 minutes for 1S95 forming 1E88);
    - There are large intermediate dwells at Edinburgh Waverley to absorb potential delays to/from the ECML.

  In terms of contingency and perturbation plans:
    - 1S95 SX (weekdays) would have to be 16 minutes late or more into Edinburgh for that delay to be carried onto the E&G;
    - 1S97 SX would have to be 15 minutes late or more into Edinburgh for that delay to be carried onto the E&G.
- Section 5.3: On 28 June 2024 Network Rail noted “the necessary route clearance work and will collaborate fully with the operator”. Network Rail awaits completion of route clearance from Lumo and would expect the gauge clearance to include the main route (the E&G) as well as the diversionary routes (via Falkirk Grahamston and Cumbernauld) to provide resilience during perturbation. Without this diversionary capability there is a real risk of a set becoming stranded and blocking the diversionary route for other operators that do hold this capability - effectively blocking both routes. .
- Section 7.4 Performance regime changes: Network Rail noted the suggested future amendment to Schedule 11 on 28 June 2024 and remains of the same view that it “may be possible for the parties to agree amendments to Schedule 4, 7 and 8 as part of this application. Separately the operator is to note that Station Access Agreements will be required for any stations that the operator does not currently call at.” We would expect ORR to take this comment into account when they make a direction.Network Rail also stated on 28 June 2024 that it “will undertake analysis to confirm that there would be no detriment to the existing freight timetable from December 2024 and/or identified capacity for anticipated freight growth on, or in and around the affected routes in the timetables to come”. Network Rail can confirm that the quantum of freight, in the May 2025 timetable, across the geography of this application (Edinburgh-Glasgow Queen Street), can be accommodated alongside the quantum of rights Network Rail is supportive of. The services associated with Lumo’s 12th SA (renumbered 17th SA) would be additional quantum to today and would utilise additional capacity, reducing capacity available for future growth.

2.4.3 Within the Form P: Network Rail would also like to highlight Lumo's response to First Trentalia West Coast Limited (trading as Avanti West Coast) dated 31 July 2024 as part of the industry consultation for this application that confirmed their depot arrangements for this application: "NR Scotland identified all the paths but that was obviously on the basis of the ESG timetable and their expectation of other services trains at the time, although I believe they are trying to isolate the Scottish effects from the current ECML uncertainties south of the border. The work does not include detailed work on ECS or revised arrangements at Craigentinny, which is the depot we intend to continue to use for the Lumo fleet."

2.4.4 Network Rail would also like to draw attention to the ScotRail Trains Ltd (ScotRail) response to the industry Consultation of this application: "We don't support this application as it currently stands. Looking at the suggested paths they have conflicts with our existing services, I would also expect docking to also be difficult at Queen Street station. Also Glasgow Central is the well-established station for cross border travel, not Glasgow Queen St. All other cross border operators use this station. The proposed timetable will be abstractive for existing ScotRail journeys between Edinburgh and Glasgow via Falkirk. If the paths were to operate to Glasgow Central we would look at any proposed changes in due course." On 31 July 2024, Lumo responded to ScotRail as follows: "This proposal was compiled in conjunction with NR Scotland (who identified the paths) and Transport for Scotland, who have been very supportive of the proposals, including the use of Glasgow Queen St. Obviously, the current uncertain position with the ECML timetable does affect matters and we all await the outcome of the deliberations on that with interest. Regarding any abstractive effect, the ORR will, as a matter of process, carry out the required abstractive tests (both percentage and absolute) as part of their assessment." Further to work being completed by Capacity Planning, Network Rail can confirm Network Rail is supportive of two Northbound rights and one Southbound right between Edinburgh Waverley and Glasgow Queen Street High Level on weekdays (SX), and one right in each direction on Sundays, in a 5-car formation only and Network Rail note that the question of abstraction is for ORR to opine on.

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" and "Congested Infrastructure".

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

3.3.1 The Proposed ECML December 2025 Timetable does not include the Unused LNER Firm Directed Rights as stated in paragraph 5 of 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 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 21 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] 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 between 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 IAs stated in paragraph 6 of the ECML General Representation Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML. The rights sought in this application do not operate over congested infrastructure.

3.4.2 However, Lumo intend to combine the rights sought within this application with existing rights between London King's Cross and Edinburgh to form through services. Theexisting services Lumo are intending to extend as part of this application operate over two lines of route which have been declared congested:

- Between Huntingdon North Jn and New England North Jn (Peterborough); and
- Between Northallerton Longlands Jn and Newcastle King Edward Bridge South via ECML.

4 Proposed ECML 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 Proposed 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 Proposed ECML 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 developed solutions to the problems of the new ECML Timetable, drove consensus on the outcome(s), and delivered 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 Proposed ECML Timetable with the latest developments in the wider National Working Timetable (WTT) and associated Rolling Spot Bids (RSB). This process 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.

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

4.9.1 Some of the rights in this application, meaning the numerical restriction on Stevenage as an Additional Stations stop, were supported under a Section 22 application using the ECML Policy and was applied for the December 2024 Timetable via the 14th SA. Lumo have applied to remove the numerical restriction in the 11th Supplemental Agreement (renumbered as the 16th SA) and have included this change in the Table 4.1 supplied with this 12th SA (renumbered 17th SA). Network Rail noted in its representations on the 11th SA (renumbered as the 16th SA) that the numerical restriction on Stevenage as an Additional Station stop has fallen under the ECML Policy since May 2022 via the 5th SA and continues to be utilised in the current timetable and we expect this to continue in December 2025. For the avoidance of doubt, the Stevenage call is not being considered as part of this application. This representation is concerned specifically with the Edinburgh-Glasgow extensions and Network Rail does not support other changes being made through this 12th Supplemental Agreement (renumbered 17th SA). Rights sought in the 11th SA (renumbered as the 16th SA) are not being considered in this representation.

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 14th SA, meaning the numerical restriction on Stevenage as an Additional Stations stop, 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.

5 Access Rights Sought in the Application

5.1 The rights sought in this application:

The rights included in the 12th SA - renumbered 17th SA	Specific locations identified in ORR's Letter of 24 April 2024	Interaction
4 weekday, 5 Saturday and 3 Sunday services between Edinburgh and Glasgow Queen Street High Level (with contingent calls at Haymarket and Falkirk High);	(f) ECML Kings Cross-Edinburgh and Leeds	ECML at Edinburgh
5 weekday, 6 Saturday and 4 Sunday services between Glasgow Queen Street High Level and Edinburgh (with contingent calls at Falkirk High and Haymarket)	(f) ECML Kings Cross-Edinburgh and Leeds	ECML at Edinburgh
Firm rights to combine passenger train slots at Edinburgh Waverley	(f) ECML Kings Cross-Edinburgh and Leeds	ECML at Edinburgh

5.2 The following rights were applied for in the 11th Supplemental Agreement (renumbered as the 16th SA) but also appear in this application. Network Rail is not considering or supporting **any** of the rights in the table below in this representation. Network Rail's representations on the 11th SA (renumbered as the 16th SA) submitted to ORR on 28 March 2025 set out our position in relation to the rights in the table below:

The rights included in the 11th SA (renumbered as the 16th SA)	Specific locations identified in ORR's Letter of 24 April 2024	Interaction
The numerical restriction on Stevenage as an Additional Stations stop is removed.	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Peterborough and King's Cross
One additional right between London Kings Cross to Newcastle in each direction SX, and one train in opposing directions on both SO and SuO	(f) ECML Kings Cross-Edinburgh and Leeds	ECML between Newcastle and King's Cross

5.3 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.

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 in Annex B also identifies if the access rights origin and destination, quantum and calling patterns sought in the application, are as expected for the proposed December 2025 ECML Timetable.

5.4 The rights sought in this application as stated in the Form P are:

To extend existing services between London Kings Cross to Newcastle/Edinburgh and vice versa to/from Glasgow Queen Street High Level, stopping at Haymarket and Falkirk High, both as Additional stations; and it is proposed that the service is gradually introduced between PCD 2026 and SCD 2028, as rolling stock availability allows.

5.5 Network Rail can confirm its partial support of the access rights being requested in this application as listed in the table above in section 5.1 above. Network Rail can confirm that we do support:

- Two firm rights from Edinburgh Waverley to Glasgow Queen Street High Level on weekdays (SX) in a 5-car formation only, within Table 2.1 of Schedule 5

- One firm right from Glasgow Queen Street High Level to Edinburgh Waverly on weekdays (SX) in a 5-car formation only, within Table 2.1 of Schedule 5

- One firm right in each direction between Edinburgh Waverly and Glasgow Queen Street High Level on Sundays in a 5-car formation only, within Table 2.1 of Schedule 5.

- Firm rights to extend to Glasgow Queen Street High Level, with Haymarket and Falkirk High listed as Additional Stations within Table 4.1 of Schedule 5.

- Firm rights to combine Passenger Train Slots at Edinburgh Waverley via a footnote to Table 2.1 specifying the quantum permitted to combine, rather than inclusion of Edinburgh Waverley in paragraph 2.3 of Schedule 5 as requested by Lumo in this application.

5.6 For the avoidance of doubt, the rights above are supported as extensions (not independent rights between Edinburgh and Glasgow) and these extensions combine with Lumo services between Edinburgh Waverley and London King's Cross with what was expected in the proposed ECML December 2025 Timetable and will be combined via a footnote in table 2.1 of Schedule 5.

5.7 Furthermore, Network Rail can now confirm that the Additional Stations can be supported and these calls combine with Lumo services between Edinburgh Waverley and London King's Cross with what was expected in the proposed ECML December 2025 Timetable (which means there is an update to what was provided in Annex B of the ECML General Representation). Network Rail notes, however, that no clause providing the rights to combine services at any location is present withing Schedule 5 of the Track Access Contract, and as such Network Rail supports the addition of such a footnote to Table 2.1 rather than the addition of Clause 2.3 as these are extensions to existing services (and not independent services between Edinburgh Waverley and Glasgow Queen Street High Level). The footnote will also include:

a) the quantum of services which are permitted to combine; and

b) with the caveat that it excludes 10-car operation as discussed earlier in this representation.

5.8 Network Rail also reiterates that the removal by way of this SA of the numerical restriction on additional calls at Stevenage is not supported. Should ORR not agree with Network Rail's position regarding the 11th SA (renumbered as the 16th SA), then the proposed SA relating to this application will need to be updated to reinstate the numerical restriction at Stevenage.

5.9 In addition, Network Rail would like the opportunity to review any impact (and any necessary amendment) to Schedule 7 (train service code and any appropriate ICC) relating to extensions onto Glasgow Queen Street High Level.

5.10 Network Rail cannot support any additional firm rights on a Saturday nor any additional firm rights on a weekday or Sunday than those listed in this section 5.5.

5.11 Network Rail notes that this application includes changes made to Tables 2.1 and 4.1 (and footnotes thereto, i.e. the removal of the numerical restriction on Stevenage calls) applied for through the 11th SA (renumbered as the 16th SA), which has yet to be approved by ORR. Network Rail submitted its representations on this SA to ORR on 28 March 2025. Network Rail notes that Lumo has based this application's contractual drafting "on the premise that the 11th Supplemental has been approved….". This representation is concerned specifically with the Edinburgh-Glasgow extensions and Network Rail does not support other changes being made through this 12th Supplemental Agreement (renumbered 17th SA). Rights sought in the 11th SA (renumbered as the 16th SA) are not being considered in this representation.

5.12 We note from the Form P that "Not all services can stop at either or both of Haymarket and Falkirk High so these are shown as Additional station Stops", meaning that Haymarket and Falkirk High are listed and these are contingent calls.

5.13 Network Rail notes that while Lumo have stated in their application that they requested 6 extensions on a Saturday between Glasgow Queen Street High Level and Edinburgh (noting that section 4.2 of the Form P states the need for a balancing move), Network Rail would like to highlight that Lumo only have five rights in their current contract which they could extend. Therefore, this would mean that the 6th path is not an extension and would be an independent service, and this has not been included in their access proposal submitted at D-40 for the December 2025 timetable. On this basis, Network Rail is not supportive of an additional access right for an independent Glasgow-Edinburgh service. We would expect ORR to take this comment into account when they make a direction. Network Rail would like to acknowledge that Lumo notified Network Rail and ORR on 19 December 2024 on the "current position regarding possible start dates": for December 2025 Lumo anticipate introducing "one return path Edinburgh-Glasgow" and for "the May-Dec 2026 timetable period, we anticipate the following will be introduced; rest of Edinburgh-Glasgow service, as per application" and the introduction is "dependent on rolling stock availability and the required mobilization/recruitment period following the eventual ORR decision point". This notification was then confirmed in their 10 March 2025 update to ORR which is explained in the paragraphs below. ORR have published this update on their websitel

5.14 The access rights sought do not align with the access rights that Lumo has bid to use in the December 2025 Timetable. Network Rail is able to support the rights required to deliver the capacity bid by Lumo for the December 2025 Timetable. Lumo recognise that they have not submitted an access proposal at D-40 for December 2025 for all of the rights sought in this application and state the following in their revised Form P issued on 10 March 2025: "The timetable for December 2025 is based around 2 SX and 1 SuO services from Glasgow and 1 SX and 1 SuO to Glasgow." In the revised Form P, Lumo also state: "It is proposed that the service is gradually introduced between PCD 2026 and SCD 2028, as rolling stock availability allows." Network Rail cannot currently provide support to rights which have not been bid for the December 2025 timetable and which have been identified as having issues within the advanced timetabling work as stated in the Capacity section of this letter. Network Rail also notes that our support is for 2 SX and 1 SuO services to Glasgow Queen Street High Level, and 1 SX and 1SuO from Glasgow Queen Street High Level, which is the other way round to what Lumo have stated in the revised Form P issued on 10 March 2025.

5.15 As an access proposal has not been submitted in full for all of the paths in the application it means the application no longer relates to the purpose of the competing and/or complex applications workstream – to make decisions for the three timetables stipulated in ORR letter of 24 April 2024. However, we note that other Operators applications have been bid for in full for the timetables in scope of the Complex and/or Competing Applications. Network Rail does not support access rights for which there is no confirmed use of capacity as a general point of principle. This is consistent with the approach taken for passenger applications. Network Rail does not believe it is efficient use of capacity to reserve capacity for potential traffic in this manner. We do not expect ORR to make a direction in support of these paths for the reasons we have outlined above, however should it be minded to do so, we want to be clear that further discussion would be needed.

5.16 Network Rail would like to acknowledge that Lumo notified Network Rail and ORR on 10 March 2025 that the application Form P had not changed from the original application submitted to ORR by 20 May 2024 apart from two changes and we understand have been agreed to by ORR, as ORR has updated their website with the change.

5.17 The detail of the two changes as noted in section 10.4 of the revised Form P:

- This SA has been re-numbered from the 12th to the 17th (due to prior use of the 12th) but Lumo requested in separate correspondence that it remained to be referred to as Lumo's 12th Supplemental Agreement (SA) to avoid confusion. ORR has updated its website for case progression by referring to the Application as "East Coast Trains Limited 12th SA - renumbered 17th SA".
- The proposed rights as stated in the application were originally requested to commence from the May 2025 timetable but have subsequently been updated to commence from December 2025.

Though Lumo state in section 10.4 of the revised Form P provided on 10 March 2025 that there are no subsequent changes apart from the two changes listed in the two bullets above, Network Rail have noted the following changes made to the original Form P:

- In section 1.5: in the original Form P it stated "This application is based on the premise that the 11th Supplemental has been approved but it is not dependant on the ESG timetable being introduced, the assumption being that alternative paths can be found". In the revised Form P it states "This application is based on the premise that the 16th Supplemental has been approved but it is not dependant on the ESG timetable being introduced, the assumption being that alternative paths can be found." Final representations on the 11th (renumbered as 16th) Supplemental were submitted to ORR on 28 March 2025.
- In section 1.5: in the original Form P is stated "It is proposed that the service is gradually introduced between SCD 2025 and PCD 2026, as rolling stock availability allows". In the revised Form P it states "It is proposed that the service is gradually introduced between PCD 2026 and SCD 2028, as rolling stock availability allows."
- In section 1.5: We note the proposed commencement date was SCD 2025 but is now stated as "PCD 2026 (December 2025)" and we assume the commencement date is from December 2025.
- In section 1.6: the industry consultation start and end dates have been added.
- In section 3.1 Application overview: reference to the "11th Supplemental" has been amended to the "16th Supplemental".
- In section 4.2 Capacity: the following sentence has been added: "The timetable for December 2025 is based around 2 SX and 1 SuO services from Glasgow and 1 SX and I SuO to Glasgow."
- In section 10.1 The consultation: the original Form P stated in its first sentence: "None, due to the time constraint in meeting the recently set ORR deadline for ECML related applications" In the revised Form P the first sentence has been changed to: "The consultation has been carried out, using the NR database, with all affected operators, funders and interest groups."
- In section 10.3 Unresolved issues: the original Form P stated "Not applicable (yet)" and the revised Form P states "The timetable issues remain unresolved as the December 2025 timetable has not yet been finalised by NR. The issue of abstraction (or lack of) is for the ORR to resolve".

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 The additional rights between Edinburgh Waverley and Glasgow Queen Street High Level on weekdays and Sundays in each direction are not running in the current timetable and, if the rights approved, would be new services from December 2025.

6.2.2 The timetable capacity assessments undertaken for this application, based on the rights sought being for extensions (through services) rather than independent services, indicates that capacity does not exist beyond what Network Rail is able to support (detailed in section 5.5), based on assessments of timetable information provided to Network Rail by Lumo. Many of the extended Lumo services have unresolved conflicts. The services assessed, which are not supported, identified insufficient platform capacity at both ends of the routes for the services above what is supported in this letter. Capacity was identified for some of the access rights sought across the route but excluding docking at Edinburgh Waverley and Glasgow Queen Street High Level. As capacity was not identified at Glasgow Queen Street High Level and/or Edinburgh Waverley this capacity is not practicably usable for the purpose of this application.

6.2.3 Furthermore, some additional proposed services reviewed, to those rights supported, have high quantities of pathing time relative to run times, for example one of Lumo's proposed services departing from Glasgow Queen Street uses 8 minutes of pathing between Bishopsbriggs and Newbridge Jn. This poses a risk to performance. Locations with large quantities of pathing force more regulation decisions, particularly if pathing leads to trains arriving out of order which can lead to wider reactionary delay chains. Large applications of pathing over a section or small area can also lead to unscheduled dwells, which can lead to further delays as acceleration would not be accounted for in the planning values.

6.2.4 No valid paths were found for Saturday (SO) services. Further work would also be required to review alignment between these paths and the proposed ECML December 2025 timetable, but as these extensions were not bid by Lumo for the December 2025 timetable then this it is not suitable to conduct this review at this point in time. Network Rail notes the intention as stated by Lumo in the Form P to join these paths with their Kings Cross-Edinburgh paths to form through services.

6.2.5 The platforms at Glasgow Queen Street are of insufficient length to accommodate 10-car trains of any rolling stock type.Network Rail notes that some of the access rights within the ScotRail 50th SA use the same infrastructure as the Lumo 12th SA (renumbered 17th SA) services between Edinburgh Waverley and Polmont Jn. There is not sufficient capacity for both of these applications, as submitted, in their entirety and ORR may wish to wait for final representations on both applications and the information provided therein prior to making their decision on either application. We note that other Operator applications have been bid for in full for the December 2025 Timetable (in scope of the Complex and/or Competing Applications) but the Lumo 12th SA (renumbered 17th SA) has been bid in part.

6.2.6 To remain consistent with Network Rail's approach in response to applications that have not been bid in any of the corresponding timetables, Network Rail does not support access rights for which there is no confirmed use of capacity as a general point of principle.

6.2.7 We do not believe that ORR should direct on access rights in this process that have not been bid into the timetables in question.

6.2.8 If ORR wish Network Rail to consider more rights than what has been bid for the December 2025 Timetable, then Network Rail will need to revisit the capacity considerations at Glasgow Queen Street which apply to this Lumo 12th SA (renumbered 17th SA) but do not apply to the ScotRail 50th SA, as well as how these rights combine with ECML paths.

6.2.9 We recognise there are capacity challenges between Edinburgh Waverley and Polmont Jn for both the Lumo 12th SA (renumbered 17th SA) and ScotRail 50th SA. We are able to support this and other applications in so far as they provide for the level of access required to support the relevant operators bids for the December 2025 Timetable over this infrastructure. We note that Operators have not all bid for all of the capacity they have sought in their S22A applications, and would advise ORR to seek further information and advice from Network Rail if it wished to consider directing access beyond that required to support the December 2025 Timetable. We are also happy to continue to work with operators in the future to explore any additional opportunities in preparedness for timetables beyond December 2025.

6.3 ***Performance***

6.3.1 Network Rail can confirm, as stated under the Form P comments above, the following statement on performance:

- The rights which Network Rail are supportive of are expected to be low risk from a performance perspective, apart from the potential for exacerbated perturbation and recovery times should Lumo not have the driver route knowledge capability to divert off the Edinburgh & Glasgow (E&G) route during times of perturbation (as this will aid service recovery).
- While it is important we maintain strong performance figures on the main line between Edinburgh and Glasgow via E&G, we believe this can be achieved with the addition of a cross-border operator at Glasgow Queen Street High Level as:
    - There is only 1 intermediate contingent calling point between Haymarket and Glasgow Queen Street High Level (i.e. Falkirk High) so passenger loading delays are unlikely;
    - There are extended turnrounds at Glasgow Queen Street High Level (for example 38 minutes for 1S95 forming 1E88);
    - There are large intermediate dwells at Edinburgh Waverley to absorb potential delays to/from the ECML.

  In terms of contingency and perturbation plans:
    - 1S95 SX (weekdays) would have to be 16 minutes late or more into Edinburgh for that delay to be carried onto the E&G;
    - 1S97 SX would have to be 15 minutes late or more into Edinburgh for that delay to be carried onto the E&G;
    - We will require diversionary route knowledge to aid service recovery;
    - We will require a regulation plan that states if Lumo are circa 20 mins late into Edinburgh Waverley then the extension onto Glasgow is to be cancelled in order to facilitate the return journey leaving Edinburgh Waverley in the Southbound direction on time.

6.4 Network Rail notes that without diversionary route knowledge off the E&G, such as via Falkirk Grahamston or via Cumbernauld, there is a risk of prolonging times of perturbation, and it will take the Network longer to recover. We would like to understand as part of our support what Lumo's plan is in maintaining diversionary route knowledge especially as Glasgow is a busy part of the Network, for example by including retainer diversionary route paths in all future timetable bids. Lumo have intimated in a recent timetable assurance forum that they will learn both possible diversionary routes (via Falkirk Grahamston and via Cumbernauld) and Network Rail wish to work with Lumo to get the necessary Contingency plans and Regulation procedures in place to aid resilience.

6.5 ***Power Supply Modelling***

6.5.1 Due to the nature of power capacity Network Rail may need to impose operational restrictions on the use of electric or bi-mode trains (which follow existing procedures) and/or may need to object to the introduction of further electric/bi-mode trains where there is not the requisite power supply. Network Rail is conscious of its legal and regulatory obligations for power capacity to be allocated in a fair, open and transparent manner and in the least restrictive way possible, always mindful of our duty of non-discrimination and equal treatment..

7 Conclusion

7.1 In this representation letter we have confirmed that we are supportive of part of this application:

- Two firm rights from Edinburgh Waverley to Glasgow Queen Street High Level on weekdays (SX) in a 5-car formation only, within Table 2.1 of Schedule 5
- One firm right from Glasgow Queen Street High Level to Edinburgh Waverly on weekdays (SX) in a 5-car formation only, within Table 2.1 of Schedule 5

- One firm right in each direction between Edinburgh Waverly and Glasgow Queen Street High Level on Sundays in a 5-car formation only, within Table 2.1 of Schedule 5.

- Firm rights to extend to Glasgow Queen Street High Level, with Haymarket and Falkirk High listed as Additional Stations within Table 4.1 of Schedule 5.

- Firm rights to combine Passenger Train Slots at Edinburgh Waverley via a footnote to Table 2.1 specifying the quantum permitted to combine, rather than inclusion of Edinburgh Waverley in paragraph 2.3 of Schedule 5 as requested by Lumo in this application.

7.2 The expected operation of these is to combine with London Kings Cross-Edinburgh services to form through services. For the avoidance of doubt, the rights are supported as extensions (not independent rights between Edinburgh and Glasgow) and Network Rail expects this to be expressed with a footnote for each relevant access right specifying the quantum of rights combined to make through services in table 2.1 of schedule 5 not with an addition of Edinburgh Waverley in paragraph 2.3 of Schedule 5 (as specified by Lumo in their application).

7.3 If ORR chooses to direct this application, we would like the opportunity to review any finalised Schedule 5 table drafting before ORR directs as well as the impact on Schedule 7 (train service code and any appropriate ICC) relating to extensions onto Glasgow Queen Street High Level.

7.4 We have also confirmed that this application uses some of the same infrastructure as the ScotRail 50th SA, and there is not sufficient capacity for both of these applications, as submitted, in their entirety and ORR may wish to wait for a final representation on both applications and the information provided therein prior to making any decision on either application.

7.5 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.

7.6 The proposed ECML December 2025 Timetable, that include Lumo services between Edinburgh Waverley and London King's Cross, combine with the Glasgow Queen Street High Level extensions that are the subject of this application, is the output of all the hard collaborative work 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