



Alexis Xoufarides  
Customer Manager  
Network Rail  
George Stephenson House  
Toft Green  
York  
YO1 4JT

Alice Kaiser  
Office of Rail and Road  
25 Cabot Square,  
London  
WC2B 4AN

22 July 2025

**Network Rail Representations for the 19th Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract (TAC) between Network Rail Infrastructure Limited and Transport UK East Midlands Limited dated 01/09/2020.**

## **1 Purpose**

- 1.1 This letter provides Network Rail's representations for the 19th Supplemental agreement submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Transport UK East Midlands Limited (EMR) submitted to ORR on 20 May 2024.
- 1.2 This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024, and the 14 March 2025 General Representation on Complex and/or Competing Applications interacting on Location ECML Kings Cross - Edinburgh and Leeds.
- 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 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 partly supportive of this application, subject to any comments, suggested amendments or specific issues highlighted in this representation. In particular, we set out the rationale why we only support the quantum of rights as stated in this representation and on a contingent basis as opposed to what the application is seeking. In addition to this, that our support is on the basis that a footnote is inserted into Table 2.2 of Schedule 5 stipulating that the contingent rights are dated to expire at the 2026 Principal Change Date, and we request that in its directions ORR expresses no presumption of continuity.
- 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', EMR 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 Supplemental Agreement was provided. On 22 July 2024 EMR responded to the Network Rail initial Representations. Further to this Network Rail issued a General Representation on the East Coast Mainline (ECML) to ORR dated 14 March 2025.
- 2.3 In its initial representation on 28 June 2024, Network Rail highlighted a number of items in the "Network Rail Review of Form P and associated documents" section of the letter. The points raised therein have all since been addressed in the course of assessing this application, and Network Rail does not consider that further action is required in respect of these items. For reference, the issues raised in the Form P and associated documents review and the actions taken can be summarized as follows:
- F3 Prints submitted with application (information supplied by EMR)
  - Missing information against some headcodes identified (information supplied by EMR)
  - Application linked to 18<sup>th</sup> Supplemental Agreement not approved at time of submission of initial representation (SA has now been approved by ORR)
  - Assessment of feasibility of EMR performance initiatives (Network Rail has undertaken its assessment and provided details later in this representation in the "Performance" section)

## **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 ECML ESG Timetable does not include the Unused LNER Firm Directed Rights as stated in paragraph 5 in Network Rail's ECML General Representation letter to ORR dated 14 March 2025.
- 3.3.2 The ECML Timetable planned for introduction in December 2025 does not include 8 LNER firm rights Monday to Saturday, 7 firm rights Sunday Only, between London King's Cross and Leeds via Wakefield or Micklefield directed by ORR in 2016.
- 3.3.3 The specification for the LNER service to/from London King's Cross had been reduced from 6.5 trains per hour (tph) to 6 tph with agreement from the DfT in 2021. This reduction retained the 0.5 tph London King's Cross – Middlesbrough service, albeit as far as York, with the 0.5 tph London King's Cross – Leeds service being descoped. ECML Programme Board on 21st March 2021 noted the recommendation from East Coast Route to defer the 0.5 tph London King's Cross – Leeds service, including the conditional outcome of journey time reduction between London Kings Cross and Leeds, to a post-ECML ESG [December 2025] future timetable change.
- 3.3.4 As of 14 March 2025, Network Rail have formally declared congested infrastructure on relevant routes between Huntingdon North Junction (Jn) and New England North Jn (Peterborough) and Doncaster Marshgate Jn and Leeds Copley Hill West Jn.
- 3.3.5 Work undertaken for the ESG has shown definitively that this 0.5 tph London King's Cross – Leeds service uplift cannot be accommodated alongside the other ESG outputs. As such the service cannot run in this timetable or future timetables, alongside the other industry endorsed aspirations without additional infrastructure and associated development activity, which is currently unfunded and uncommitted.
- 3.4 ***Congested Infrastructure***
- 3.4.1 As stated in the ECML General Representation letter dated 14 March (paragraph 6) Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML. This application interacts with the ECML only at the Newark Flat Crossing, and as such is not impacted by the declaration.

## **4 ECML Proposed December 2025 Timetable**

- 4.1 As referred to in the ECML General representation letter dated 14 March 2025, in February 2024 the ESG closed following an ECML Programme Board endorsement on 17 January 2024 to deploy the new ECML Timetable in December 2024, subject to the outputs of the completed performance modelling.
- 4.2 At the point in time of ORR's letter to the Industry on 24 April 2024, the Department for Transport (DfT) had accepted a recommendation from the Industry Timetable Assurance Project Management Office (PMO) to funders that the ECML ESG Timetable should be deferred from the December 2024 timetable change.
- 4.3 An ECML Industry Task Force (herein referred to as "the Task Force") commenced in June 2024 as an independently led executive-level cross-industry meeting that provides strategic direction for the work programme. The Task Force develops solutions to the problems of the new ECML Timetable, drives consensus on the outcome(s), and delivers recommendations for industry funders and specifiers.
- 4.4 On 17 October 2024 the Independent Chair of the Task Force wrote to the DfT to advise that the Task Force met on 10 October 2024, reviewed the considerations, issues, and risks, and recommended proceeding with implementation of the new timetable for ECML in December 2025. This was on the basis that the timetable is deliverable and meets the Task Force objectives that were set. Concerns were noted from GB Railfreight (representing themselves and other Freight Operating Companies), ScotRail and Transport Scotland. The Task Force recommendation was accepted by the DfT and subsequently endorsed by the Secretary of State in December 2024.
- 4.5 The Task Force had worked collaboratively up to 31 January 2025 to further de-risk the transition of the ECML ESG timetable from development to timetable production.
- 4.6 Advanced work completed by Network Rail Capacity Planning, to inform the December 2025 timetable risk, involved aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable (WTT) and associated Rolling Spot Bids (RSB). This process has highlighted that, despite previous timetable development work, the national freight and passenger timetable has evolved, and this work has been necessary to reduce the risk that capacity decisions may need to be made during the timetable production period between D-40 to D-26.
- 4.7 Therefore, where in this letter and in the ECML General Representation letter we have referred to the proposed ECML December 2025 Timetable, we are referring to the timetable work above namely, either full or in part, the:
- timetable which was developed by the ECML ESG and later deferred in April 2024;
  - Timetable where solutions were developed to the problems of the ECML Timetable as part of the Task Force;
  - Advanced Timetable Work (undertaken between April and October 2024) to de-risk the transition of the ECML ESG timetable from development to timetable production; and
  - Advanced work to inform timetable risk including aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable and associated Rolling Spot Bids.
- 4.8 So, where Network Rail highlight in this representation and the ECML General Representation letter (in the relevant annexes to that letter) whether the access rights sought on ECML in each application are as Network Rail expects in the proposed ECML December 2025 Timetable, we are referring to whether the access rights align to the above Timetable work.

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

- 5.1 Annex A of this letter contains a table which shows all of the access rights requested in this application when set against the February 2025 version of the proposed December 2025 ECML Timetable.
- 5.2 The Table in Annex B provides details of the access rights characteristics i.e:
- Origin
  - Destination
  - Quantum by Day of Week (Peak or Off Peak)
  - If the access rights are currently held in the contract and proposed change is an amendment to those rights for e.g. calling pattern change, contingent to firm etc.
  - Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.
- The table also identifies if the access rights origin and destination, quantum and calling patterns sought in the application, are as expected for the Proposed ECML Timetable for December 2025.
- 5.3 The application seeks the following amendments to EMR's existing rights:
- 11 Weekday Newark Castle – Crewe services to start from Lincoln.
  - 11 Saturday Newark Castle – Crewe services to start from Lincoln.

- 11 Weekday Crewe – Newark Castle services extended to Lincoln.
- 11 Saturday Crewe – Newark Castle services extended to Lincoln.

- 5.4 This is to be achieved by adding eleven rights between Lincoln and Crewe (both directions), while relinquishing eleven rights between Crewe and Newark Castle (both directions).
- 5.5 In addition, under this Supplemental Agreement:
- 4 Weekday Newark Northgate – Lincoln rights relinquished.
  - 2 Saturday Newark Northgate – Lincoln rights relinquished.
  - 4 Weekday Lincoln – Newark Northgate rights relinquished.
  - 2 Saturday Lincoln – Newark Northgate rights relinquished.
- 5.6 The application meets the criteria of the ORR's 24 April 2024 letter to industry due to its interaction with the ECML at Newark Flat Crossing.
- 5.7 Network Rail can confirm that there are differences between the rights sought in this application and what was expected in the proposed December 2025 ECML Timetable Annex B indicates that not all of the quantum of rights (by day) in the application are as expected for proposed December 2025 ECML Timetable. EMR's bid for the December 2025 Timetable also incorporates the changes proposed in the upcoming 24<sup>th</sup> Supplemental Agreement, which will further amend the quantum of rights.
- 5.8 It was previously agreed with ORR and EMR not to make changes to this 19<sup>th</sup> Supplemental Agreement to reflect the end state of EMR's access rights in respect of their aspirations for the December 2025 timetable, with the preferred approach being to capture the remaining changes in a 24<sup>th</sup> Supplemental Agreement. However, Network Rail would like to make it clear that for the purposes of this representation letter, what we support is the lesser of either what was requested in the 19<sup>th</sup> Supplemental Agreement or what was subsequently bid for as part of the timetable process for December 2025 (this is shown in the Table below which shows the differences between the proposed December 2025 timetable, this Supplemental Agreement and what NR supports in this application):

EMR 19 <sup>th</sup> SA vs proposed December 2025 timetable									
Path	Quantum Sought in SA			Quantum in Dec 2025 TT			Quantum of Rights Supported By NR For this Application		
	SX	SO	Su	SX	SO	Su	SX	SO	Su
Crewe - Lincoln	11	11	0	13	10	0	11	10	-
Lincoln - Crewe	11	11	0	11	11	0	11	11	
Newark Northgate - Lincoln	10	8	10	3	3	8	3	3	8
Lincoln - Newark Northgate	8	8	10	3	3	8	3	3	8
Crewe - Newark Castle	1	1	0	0	2	0	0	1	
Newark Castle - Crewe	2	1	0	2	2	0	2	1	

The table below summarises the differences in quanta between EMR's rights (if this 19<sup>th</sup> Supplemental Agreement were to be approved in full), and what is found in the proposed December 2025 timetable. Figures in red indicate where the Rights table has more trains than in the proposed December 2025 timetable, and thus a potential risk of overselling capacity. Zeroes indicate where the two are aligned, while a positive value indicates the quantum of additional rights EMR would require to run the proposed services.

EMR 19 <sup>th</sup> SA vs proposed December 2025 timetable					
Service Group		TID			
			SX	Sat	Sun
Lincoln	Crewe	1K	0	0	0
Crewe	Lincoln	1N	+2	-1	0
Newark C	Crewe	1K	0	+1	0
Crewe	Newark C	1N	-1	+1	0
Lincoln	Newark N	2T	-5	-5	-2
Newark N	Lincoln	2T	-7	-5	-2

- 5.9 This application amends the contract by updating Table 2.1 of Schedule 5 to reflect the extension of Crewe-Newark Castle Services through to Lincoln (both directions). However, no corresponding update to the Calling Pattern in Table 4.1 was included. EMR have advised Network Rail that a full update to Table 4.1 will be included in the forthcoming 24<sup>th</sup> Supplemental Agreement. It is for this reason that Annex B indicates that the Calling Patterns in the application were not as expected for the December 2025 Timetable.

- 5.10 Network Rail does not support the quantum being sought under this application where it is higher than that expected in the proposed ECML December 2025 timetable. Network Rail does not expect the higher quantum to be directed by ORR and then to be followed by a subsequent Supplemental Agreement to seek to amend to a lower quantum.
- 5.11 In addition, for where Network Rail expected the quantum to be higher (in line with the proposed ECML December 2025 Timetable) than what is sought in the application and for any calling patterns missing from the application, then Network Rail would expect these to be addressed in a separate application (such as the proposed EMR 24<sup>th</sup> SA).
- 5.12 Network Rail would like to state that an additional Supplemental Agreement to rectify the higher quantum and calling pattern issues described above would not necessarily be supported under Section 22.
- 5.13 It will be dependent on timing of the application and whether other applications seeking capacity at the same interacting locations will have been directed by ORR by then. This is in line with ORR's position in its letters to Industry of 24 April, 1 November 2024, and 07 May 2025, that it may not make decisions on access rights notified after 20 May 2024 until it makes directions on those applications submitted in time.
- 5.14 Network Rail might also consider whether any such amendments sought could be supported under the Interim Approach. However, this will also be dependent on timing.
- 5.15 Network Rail can confirm it is supportive of contingent rights, for the quantum supported in this representation, which are to be listed contained within Table 2.2 of Schedule 5. In addition to this, our support is on the basis that a footnote is inserted into Table 2.2 of Schedule 5 stipulating that the contingent rights are dated to expire at the 2026 Principal Change Date, and we request that in its directions ORR expresses no presumption of continuity. Once we have sufficient performance data, if appropriate, Network Rail will work with EMR to improve any performance detriment and where possible get into a position where we would eventually be able to discuss the transition of contingent rights into firm rights.
- 5.16 Further information can be found in Annex B.

## **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 ECML**
- 6.2.1 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 EMR, in line with the proposed ECML December 2025 specification, would be allocating a proportion of the available capacity.
- 6.2.2 If ORR does direct this application, then it will impact on the capacity available to other Operators' applications, or elements of applications, which were not included in the ESG specification and that have additional capacity requests.
- 6.2.3 If ORR were not to direct in line with our position for this application the most applicable alternative option would be to allocate capacity to an Operator who has aspirations for an access right with similar characteristics. However, it would change the assumptions on which the proposed ECML December 2025 Timetable, was developed, modelled and recommended for progression into the development period. Consequentially, this could have an impact on the forecast operation and performance of the Timetable.
- 6.2.4 This application seeks rights to cross, rather than traverse the ECML, over the Newark Flat Crossing, as per Annex B (interacting locations matrix). The rights sought did not form part of the ESG Early Development Timetable but the ability for them to be accommodated alongside the December 2025 expected timetable was assessed during the December 2025 preliminary work. These services are expected to be accommodated alongside the proposed December 2025 timetable.
- 6.2.5 As stated above, the rights sought over the Newark flat crossing were not in the ECML ESG Timetable, however Network Rail considers that the additional ECML capacity sought is only at a single ECML location (the Newark Flat Crossing). Were this application not approved, the capacity over Newark Flat Crossing would not alone enable additional ECML traffic as the wider constraints and considerations referenced in the ECML letter remain.

- 6.2.6 ORR are to note that this application was included in the proposed December 2025 timetable but if ORR chooses to direct this application then it could impact on the other applications, or elements of applications, not included in the ESG specification that have additional capacity requests that have either been bid for the December 2025 Timetable or are expected to be bid in a future Timetable. The proposed changes in this application were not part of the ECML ESG development.

### 6.3 **Associated applications**

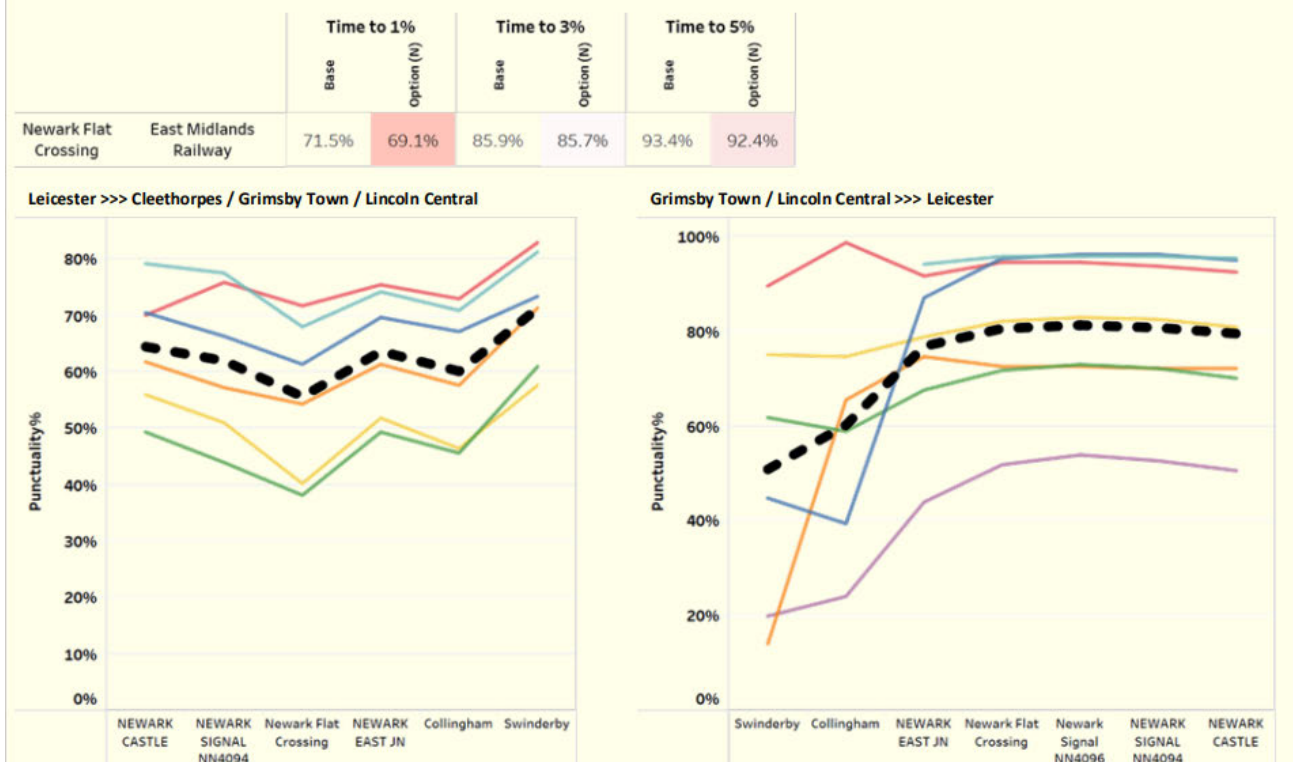
- 6.3.1 This application forms part of EMR's Project Abraham, an extensive recast of its timetable designed to improve connections across the regional network and build in performance improvements to the structure of the timetable. This 19<sup>th</sup> Supplemental Agreement deals with those services that interact with the locations identified by ORR in its 24 April 2024 letter to industry (i.e. the ECML at Newark Flat Crossing), while a forthcoming Supplemental Agreement (the 24<sup>th</sup>) will seek new/amended rights (also to commence from the December 2025 Timetable) for the remaining services which do not require rights at any of these locations. EMR have advised Network Rail that delivery of the benefits of the recast is dependent on the approval of both the 19<sup>th</sup> and the 24<sup>th</sup> Supplemental Agreements (to the extent that the supported quantum of rights reflects the proposed December 2025 timetable) as the performance initiatives contained in the holistic recast require approval of the proposed end state of the Project Abraham timetable to work.

### 6.4 **Performance**

- 6.4.1 Network Rail can confirm that this application was not included in the ECML Timetable Performance Analysis, but separate analysis has been completed.
- 6.4.2 Network Rail has concerns over the increase in traffic over the Newark Flat Crossing and the projected decrement to an already-low baseline punctuality along this route. The application represents a step up in services that do not run currently and are of a significant enough volume that both Network Rail and ORR should be appropriately cautious in accommodating the access rights requested.
- 6.4.3 Granting the rights on a timebound, contingent basis, with no presumption of continuity, should allow Network Rail and the operator to fully consider the characteristics of the service group involved in operation given the various issues associated with this application as highlighted in this representation including levels of capacity constraint and the performance risks associated with the uplift sought. After sufficient data to review performance of these services has been accumulated, we will be in a position to discuss next steps with EMR and explore the possibility of Firm Rights at a later date should this be able to be justified.
- 6.4.4 Given that the impact is expected to be primarily on EMR's own services and off the ECML, Network Rail is comfortable supporting on a contingent basis the quantum of rights which match the proposed December 2025 timetable, and believes that ORR should be able to consider this element of the application alongside the ESG. In addition to this, our support is on the basis that a footnote is inserted into Table 2.2 of Schedule 5 stipulating that the contingent rights are dated to expire at the 2026 Principal Change Date, and we request that in its directions ORR expresses no presumption of continuity.
- 6.4.5 If the performance indicates it is appropriate to do so, once we have sufficient data (after a period of time – likely to be around 12 months of operation), Network Rail will be willing to discuss turning the contingent rights into firm rights with the operator by way of a Section 22 application.
- 6.4.6 Network Rail has overlaid the modelled EMR aspirations with the modelled ECML ESG Base. This analysis forecasts a slight detriment at Newark Flat Crossing which leads to an additional ~1% worsenment to EMR's modelled position following the introduction of these services when compared to the modelled ECML ESG base timetable.
- 6.4.7 In the modelled December 2025 Timetable the Flat Crossing is planned to be utilised twice an hour, i.e. every ~30 minutes. Project Abraham sees the frequency of services doubled for EMR across Newark Flat Crossing with the Flat Crossing planned to be utilised three times an hour, i.e. every 20 minutes.
- 6.4.8 Modelled punctuality drops by ~10 percentage points (pp) On Time for EMR services between Newark Castle and Newark Flat Crossing. There are then recovery opportunities in the schedule towards Collingham / Swinderby. When compared to the Base, the December 2025 Modelled Timetable is -2.4pp worse overall than the Modelled Base at Newark Flat Crossing. Factoring in the aspiration of Project Abraham Timetable structure into the December 2025 Modelled Timetable results (in the way it was designed as outlined above), will result in a 0.9 – 1.6pp On Time decrement to EMR – over and above previously communicated ECML Task Force figures, which brings the modelled results to 55.8 - 56.5 On Time (vs a modelled base of 56.6%). Network Rail also notes that EMR's baseline performance in respect of this data is worse than that of other operators for whom similar decrements in performance are predicted.



## Newark Flat Crossing – EMR Modelled Punctuality



6.4.9 EMR's own performance analysis indicates performance improvements on their wider network. Network Rail acknowledges that agreed performance allowances and more generous turnarounds within the EMR proposals should reduce the risk of delay from the EMR services spreading onto the ECML and vice versa. However, concerns remain at the level of delay that may be encountered during periods of network-wide perturbed working. Therefore, Network Rail is seeking additional assurances from EMR that all mitigations will be put in place in a timely fashion.

6.4.10 Whilst these services are included in the December 2025 timetable, Network Rail and EMR have agreed the following actions in order to manage the expected performance challenges:

1. EMR and Network Rail agree a contingency plan where reasonable measures are undertaken to protect performance of the ECML.
2. An agreed review period to the December 2026 timetable change date of the performance of these incremental services, using measures agreed between EMR and NR.

## **6.5 Capacity**

- 6.5.1 Development work completed to inform the December 2025 timetable has demonstrated capacity for the supported elements of this application. There is no increase to quantum between Newark Castle-Crewe, on Mondays-Saturdays, as firm rights are already held for this element of the journey. Capacity usage increases between Newark Castle-Lincoln with the extensions.
- 6.5.2 Other constraints along the ECML route, including performance and congested infrastructure referenced in the March 14 letter, would remain. Moreover, the increased traffic over Newark Flat Crossing is compatible with the proposed December 2025 ECML timetable.
- 6.5.3 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.
- 6.5.4 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. 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.
- 6.5.5 Network Rail does not consider that this application seeks capacity which is the subject of aspirations expressed in other applications, off the ECML, submitted to ORR following its April 2024 letter to industry.

## **6.6 Rolling Stock**

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

## **6.7 Level Crossings**

- 6.7.1 Network Rail's Level Crossing team has assessed the impact of the proposed changes (in the context of the proposed Project Abraham end state) and is content that any increase in barrier downtime is within tolerance, and that the application can be supported in this context.

## **6.8 Key points from Network Rail's initial representations**

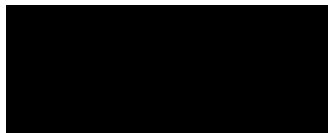
- 6.8.1 Objections from operators received during industry consultation all related to uncertainty over delivery of the ECML ESG timetable. With the decision to proceed having been taken, Network Rail does not consider that these objections remain valid.
- 6.8.2 Network Rail requested further information from EMR that was identified as having been missing from the headcode report supplied to ORR as part of the 20 May 2024 application. This information was received promptly after the request was made and the issue is considered fully resolved.
- 6.8.3 Network Rail noted in its initial representations that its support for this application was dependent on its assessment of the feasibility of the full complement of changes (including initiatives to improve performance) to be implemented by Project Abraham. Network Rail's assessment of the proposals is documented in the performance section of this letter.
- 6.8.4 Network Rail has no outstanding concerns relating to Level Crossing risk. A working group has been created by Network Rail and EMR to manage the communication of any changes to barrier downtime to the public.



## 7 Conclusion

- 7.1 In this representation letter we have confirmed that we in part-support the access rights sought in this application in terms of quantum and on a timebound, contingent basis with no presumption of continuity as opposed to firm as requested for in the application. Network Rail believes it has laid out its rationale for this position in this final representation letter. However, Network Rail expects EMR will be submitting an application, to amend where they believe there are discrepancies in quantum and to properly update Table 4.1 of Schedule 5.
- 7.2 We have confirmed that for those access rights we support in this application, support will on be on a contingent access rights basis (to Principal Change Date 2026, with no presumption of continuity) and there is timetable capacity for them alongside the proposed ECML December 2025 Timetable. We have explained that the anticipated decrement, for new services not in the ESG, combined with EMR's low baseline performance, justify supporting rights on a timebound and contingent basis notwithstanding any offset or minor improvements in performance that may result. Network Rail has also confirmed that it would be willing to discuss at a later date the conversion of access rights granted on a contingent basis to firm, once Network Rail has accumulated sufficient performance data. We have also confirmed that Network Rail wish to work with EMR to get the necessary Contingency plans and Regulation procedures in place to aid resilience.
- 7.3 In addition, we have also provided an explanation to ORR of what the proposed ECML December 2025 Timetable is an amalgamation of in terms of Advanced Timetable Work and confirmed that our position is based on these assessments.
- 7.4 Network Rail has also highlighted in this letter a number of points we raised in our original representation later a number of points of clarification and amendments required to the proposed Supplemental Agreement submitted with this application, that Network Rail believes have still not been fully addressed or ORR need to take the points into consideration when making a direction on the application.
- 7.5 While this could be our final representation on Project Abraham, we understand that the PMO intends to write to DfT on Project Abraham and a number of other matters in the week commencing 7 April. We may have further comments to provide to you following that correspondence.
- 7.6 The proposed ECML Timetable for December 2025 is the output of all the hard collaborative 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,



Alexis Xoufarides,  
Customer Manager,  
Eastern Region, Network Rail

List of annexes:

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

## ANNEX A SUMMARY OF APPLICATIONS WITH ACCESS RIGHTS ON ECML

Operator/Application/Type	Status of Application	WCML south	Birmingham	BHM-Derby	Derby-Sheffield	Sheffield	ECML&Leeds	Oxford	Gloucester	Cardiff
Alliance Rail Cardiff - Edinburgh 17	Live		x	x	x	x	x		x	x
Colas 10th SA 22a	Live			x	x	x	x			x
CrossCountry 38th SA 22a	Live		x	x	x	x	x	x	x	x
DBC 72nd SA 22a	Live				x	x	x			
DBC 73rd SA 22a	Live					x	x			
DBC 79th SA 22a	Live			x			x	x		x
DBC 81st SA 22a	Live		x	x	x	x	x	x	x	x
DBC 86th SA 22a	Live					x	x			
DBC 87th SA 22a	Live		x	x	x	x	x		x	x
DBC 88th SA 22a	Live				x	x	x			
DCR 2nd SA 22a	Live	x	x	x	x		x	x		
DRS 17th SA 22A	Live	x	x	x	x	x	x		x	x
EMR 19th SA 22A	Live						x			
EMR 20th SA 22A	Live				x	x	x			
EMR 21st SA 22A	Live				x	x	x			
FLHH 25th SA 22A	Live	x	x	x	x	x	x	x	x	
FLHH 26th SA 22A	Live				x	x	x			
FLHH 27th SA 22A	Live	x	x	x	x	x	x	x	x	x
FLHH 28th SA 22A	Live	x	x	x	x	x	x	x	x	x
FLIM 21st SA 22A	Live		x	x	x	x	x	x		
FLIM 22nd SA 22A	Live		x	x	x	x	x	x		
FLIM 24th SA 22A	Live	x	x	x	x	x	x	x		
FLIM 25th SA 22A	Live	x	x	x		x	x	x		x
FLIM 26th SA 22A	Live	x			x	x	x	x		x
GBRf 25th SA 22a	Live	x	x	x	x	x	x	x		
GBRf 34th SA 22a	Live	x	x	x	x	x	x	x	x	x
GBRF 41st SA 22A	Live						x			
Govia Thames Railway 62nd SA 22A	Live						x			
Govia Thames Railway 63rd SA 22A	Live						x			
Grand Central 24th SA 22A	Directed by ORR						x			
Grand Central 28th SA 22A	Live						x			
Hull Trains 27th SA 22A	Live					x	x			
Hull Trains 28th SA 22A	Directed by ORR						x			
Hull Trains 29th SA 22A	Live						x			
LIS 2nd SA 22a	Live						x			
LNER 34th SA 22A	Live						x			
LNER 35th SA 22A May '28	Live						x			
LNER 36th SA 22A	Live						x			
LNER 37th SA 22A	Rights were being sought until Dec 2025 so not included in analysis						x			
LNER 38th SA 22A	Live						x			
Lumo 11th SA 22A	Live						x			
Lumo 12th SA 22A	Live						x			
Northern 57th SA 22	Directed by ORR (some of the access rights in this application were withdrawn before direction and added to the Northern 60thSA)				x	x	x			
Northern 59th SA 22a	Live					x	x			
Northern 60th SA 22a	Live					x	x			
Scotrail 49th SA 22a	Withdrawn						x			
Scotrail 50th SA 22a	Live						x			
Scotrail 51st SA 22a	Live						x			
TPT 58th SA 22a	Live					x	x			
TPT 62nd SA 22a	Rights were being sought until Dec 2025 so not included in analysis						x			
TPT 63rd SA 22a	Live						x			
TPT 64th SA 22a	Live					x	x			
TPT 65th SA 22a	Live						x			
Varamis 2nd SA 22a	Live	x	x				x			



Operator	SA NO.	Service Group	Service Code	From:	To:	What is the current contractual status of the access rights being sought?  I.e. Firm dated, New Rights, Amended Rights.	Are these current rights held in line with the ECML Policy? Y/N	How long are the rights being sought for?  I.e. One TT Period, until expiry date of TAC	Weekday Peak Off Peak	Sat Peak Off Peak	Sun Peak Off Peak	List the Calling Pattern Being Requested for the associated rights - REGULAR CALLING PATTERN	List the Calling Pattern Being Requested for the associated rights - ADDITIONAL STATIONS	Calling Pattern Change Which could change the parameters of Capacity at the interacting Location	Are the Rights for The Origin & Destination in the Application as expected for proposed Dec 25 ECML Timetable	Are the Quantum of Rights (by Day) in the Application as expected for proposed Dec 25 ECML TT?	Are the calling patterns for the access rights in the Application as expected for proposed Dec 25 ECML TT?	Explanation of any changes to "No" answers that were listed in Annex B included in the ECML General Representation dated 14 March 2025	WGL south	Birmingham	BML Derby	Derby Shared and Sheffield	ECML Leeds	Oxford	Gloicester	Cardiff
EMR	19th	EM01 changes to EM02	22320000	Lincoln	Crewe	New Right(s)	NO	Until expiration of TAC		11	11	0	Lincoln, Hykeham, Swinderty, Collingham, Newark Castle	Crosses ECML between Newark Castle and Collingham (additional)	Yes	Yes	No	Calling pattern updated following clarification from Capacity Planning: As the full calling pattern is missing in the 19th SA Network Rail is prepared to support contingent calls only; the correct calling pattern will be included in a further Supplemental					X			
EMR	19th	EM02 changes to EM01	22320000	Crewe	Lincoln	New Right(s)	NO	Until expiration of TAC		11	11	0	Newark Castle, Collingham, Swinderty, Hykeham, Lincoln	Crosses ECML between Collingham and Newark Castle (additional)	Yes	No	No	Quantum answer updated following clarification from Capacity Planning: Proposed December 2025 Timetable includes 13 weekday and 10 Saturday rights, rather than 11/11 Calling pattern not included in Supplemental Agreement as per above.					X			
EMR	19th	EM01	22277000	Newark Northgate	Lincoln	Amended Current Rights Held in Contract	NO	Retinquishment		-4	-2	0	Collingham, Swinderty, Hykeham	Calls at Newark Northgate	Yes	No	Yes	Quantum answer updated following clarification from Capacity Planning: The expected timetable includes a reduction in 9 on a weekday and a reduction of 7 on a Saturday. The further reduction listed here will be included in a further Supplemental Agreement.					X			
EMR	19th	EM01	22277000	Lincoln	Newark Northgate	Amended Current Rights Held in Contract	NO	Retinquishment		-4	-2	0	Hykeham, Swinderty, Collingham	Calls at Newark Northgate	Yes	No	Yes	Quantum answer updated following clarification from Capacity Planning: The expected timetable includes a reduction in 9 on a weekday and a reduction of 7 on a Saturday. The further reduction listed here will be included in a further Supplemental Agreement.					X			
EMR	19th	EM01 changes to EM02	22320000	Newark Castle	Crewe	Amended Current Rights Held in Contract	NO	Retinquishment		-11	-11	0	Fiskerton, Lowdham, Burton Joyce, Carlton, Nottingham, Beeston, Atherborough h, Long Eaton, Derby, Tutbury and Hutton, Uttoxeter, Blythe Bridge, Longdon, Stoke-on-Trent, Kidsgrove	N/A	Yes	No	2 X Saturday firm rights in December 2025 TT. Proposed reduction in 19th SA reduces Saturday quantum to 1.  Calling pattern updated following clarification from Capacity Planning: As the calling pattern is missing in the 19th SA Network Rail is prepared to support contingent calls only; the correct calling pattern will be included in a further Supplemental Agreement.					X				
EMR	19th	EM02 changes to EM01	22320000	Crewe	Newark Castle	Amended Current Rights Held in Contract	NO	Retinquishment		-11	-11	0	Alaxager, Kidsgrove, Stoke-on-Trent, Longdon, Blythe Bridge, Uttoxeter, Tutbury and Hutton, Derby, Long Eaton, Atherborough h, Beeston, Nottingham, Carlton, Lowdham, and	N/A	Yes	No	No	3 X Saturday firm rights in December 2025 TT. Proposed reduction in 19th SA reduces Saturday quantum to 1.  Calling pattern updated following clarification from Capacity Planning: As the calling pattern is missing in the 19th SA Network Rail is prepared to support contingent calls only; the correct calling pattern will be included in a further Supplemental Agreement.					X			