

To: Alice Kaiser
Head of Passenger Track Access
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London
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Copied: Louise Beilby, ORR

22 October 2025

Dear Alice,

Transport UK East Midlands Limited (“EMR”) response to Network Rail’s Final Representations on EMR’s 24th Supplemental Agreement

Thank you for the opportunity to respond to Network Rail’s final representations dated 7th October 2025 regarding EMR’s Section 22a application for the 24th Supplemental Agreement (SA) for EMR’s Regional timetable recast as part of Project Abraham planned for December 2025.

1. Background

- The 19th SA for the extension of Crewe-Newark Castle service to Lincoln (which had been directed by the ORR on 16th September 2025) was submitted as part of ORR’s Competing & Complex access rights applications for Dec 24, May 25 & Dec 25 in line with ORR’s letter of 24th April 2024. The 24th SA was submitted in addition to the 19th SA, but it was submitted after the ORR’s submission deadline of 20th May 2024.
- Given the timescale and requirements set out by the ORR in its letter of 24th April 2024 to the industry, EMR managed to provide all the available information and details for the 19th SA where services interacted with the ECML. Subsequently, we continued to develop the scope of Project Abraham and refine the recast timetable for the local and regional services in Service Groups EM01 and EM02 respectively for December 2025. This 24th SA application manages both the evolving scope of Project Abraham and other minor changes made to the regional services which did not fall within the scope of the ORR’s letter to industry.
- Fundamental changes to the regional timetable involve rearrangements of service patterns of our existing Matlock-Nottingham, Leicester-Nottingham-Lincoln and the Joint Line services, aiming to improve connections across the regional network and build in performance improvements to the structure of the timetable. Most of the proposed timetable change is based on existing services (in quantum) being combined, split or extended either from their origins or to their destinations. Key changes to service patterns include:
 - i. The Matlock-Nottingham service to run through to Lincoln / Cleethorpes, in place of the Leicester-Nottingham to Lincoln / Cleethorpes services which will only run between Leicester and Nottingham. There is negligible impact on network capacity because of this switch in service patterns between these two existing services. Nonetheless, it should be noted that the changes have created more capacity for

other train operators. This is achieved at Nottingham through the reduced platform occupancy, which has mostly negated the requirement for CrossCountry to shunt units and subsequently reduced the number of train movements.

- ii. The Peterborough to Lincoln and Lincoln to Doncaster services become self-contained routes instead of a Peterborough to Doncaster through service on the GNGE Joint Line, providing better connections with other services at Peterborough, Sleaford, Lincoln and Doncaster as well as improving the overall route performance. There is no impact on network capacity because the existing through service is split into two equal parts. Nonetheless, it should be noted that the changes have created more capacity for other train operators. This is achieved at Peterborough through the increased use of parallel working, flexibility with the platforming, and the removal of excessive turnround times. Furthermore, at Doncaster the use of the bi-directional capability of the Up East Slow Line between Black Carr Jn and Doncaster has reduced the number of conflicting movements.

2. General Observations on Network Rail's Representations

- EMR notes that Network Rail is partially supportive of this application. However, its support for our rights sought is dependent on what the changes are to the services on a line of route, as stated in the letter;

'Network Rail is supportive of firm rights for those rights that do not represent an uplift in quantum of services on a line of route; and where there is an uplift in quantum, or a change to origin or destination that results in additional distance being travelled on the network ('extension'), Network Rail is only supportive of contingent rights, for 12 months only till December 2026 timetable change, with no presumption of continuity'.

Having read the letter, EMR finds it very difficult to comprehend the rationale behind these recommendations because Network Rail has not provided logical justifications for these suggestions in its final representation. Moreover, there appear to be inconsistencies in its statements of partial support, that we will touch on below in our response.

- While there is a major overhaul to the structure of our regional timetable for December 2025, the actual increase in the quantum of services that require additional capacity on the network is relatively low. A detailed analysis has been undertaken to identify the net change in quantum in sections across the routes between Crewe/Matlock – Derby – Nottingham – Lincoln/Cleethorpes and the Joint Line. The slight increase is generally over Grimsby Town - Cleethorpes, Peterborough - Lincoln (SO) and Ambergate – Nottingham.

Please see below the summary from the analysis we undertook:

Net Change in Quantum by Sections - Dec25 TT (Project Abraham)												
											S/bound (Joint Line)	
Eastbound		CRE-DBY	MAT-DBY	DBY-NOT	LEI-NOT	NOT-NCT	NOT-LCN	NNG-LCN	LCN-GMB	GMB-CLE	DON - LCN	LCN -PBO
Weekday	Quantum by Section:	16	19	36	16	1	30	4	10	8	5	15
	TAA (May21)	16	18	36	16	14	19	15	10	3	5	15
	Variance =	0	1	0	0	-13	11	-11	0	5	0	0
Saturday	Quantum by Section:	16	19	36	17	2	28	4	8	8	5	14
	TAA (May21)	16	18	33	17	13	17	12	8	3	5	11
	Variance =	0	1	3	0	-11	11	-8	0	5	0	3
Sunday	Quantum by Section:	8	15	18	0	0	15	8	3	3	0	0
	TAA (May21)	8	12	15	0	0	13	10	3	3	0	0
	Variance =	0	3	3	0	0	2	-2	0	0	0	0

											N/Bound (Joint Line)	
Westbound		DBY-CRE	DBY-MAT	NOT-DBY	NOT-LEI	NCT-NOT	LCN-NOT	LCN-NNG	GMB-LCN	CLE-GMB	PBO -LCN	LCN - DON
Weekday	Quantum by Section:	16	18	35	17	2	29	4	9	7	15	5
	TAA (May21)	16	18	35	17	15	17	15	10	3	15	5
	Variance =	0	0	0	0	-13	12	-11	-1	4	0	0
Saturday	Quantum by Section:	16	18	35	18	3	29	4	9	8	15	5
	TAA (May21)	16	18	34	18	13	17	12	8	3	12	5
	Variance =	0	0	1	0	-10	12	-8	1	5	3	0
Sunday	Quantum by Section:	7	15	15	1	0	15	8	3	3	0	0
	TAA (May21)	7	12	12	1	0	14	10	3	3	0	0
	Variance =	0	3	3	0	0	1	-2	0	0	0	0

- With reference to Annex B, where Network Rail split the rights into Tables 2.1 (firm rights) and 2.2 (contingent rights) to demonstrate its partial support, it is evident that Network Rail's partial support focuses only on changes in the quantum of rights to services in the rights tables in Schedule 5, and has not taken into consideration the economic and passenger benefits that this timetable recast will bring.

- EMR would like to comment on below statements under Section 10 - Network Rail's Position:

10.4 Where two existing rights have been combined to form a new right, and where EMR are now seeking a right to reflect the origin and destination whilst relinquishing their rights for the previous (e.g. joining a Norwich–Nottingham right to a Nottingham–Derby right to form a Norwich – Derby right), Network Rail is supportive of firm rights.

10.5 For amendments to existing rights that are not extensions (e.g. shortening a Leicester–Lincoln right to start from Nottingham), Network Rail is supportive of firm rights.

10.6 For existing services where one or both of the origin/destination pair is extended (e.g. the proposed extension of a Lincoln–Nottingham right to terminate at Matlock), with the corresponding amendment to the access right sought, Network Rail is supportive of contingent rights dated to expire one year from the Principal Change Date in December 2025.

10.7 Any new rights requested, which relate to a new, or additional quantum of rights that interacts with the ECML, (e.g. to enable the proposed increase in quantum of Lincoln–Peterborough services on Saturdays) are supported on a contingent basis, with rights dated to expire one year from the Principal Change Date in December 2025.

- Network Rail is not considering the actual impact of changes to the timetable on network capacity but the changes of access rights in the table limited in services being additional or being extended in distance. Network Rail's rationales for supporting firm rights or contingent rights are inconsistent as shown in Points 10.4 to 10.6. The rearrangement of service patterns of the Matlock–Nottingham and Leicester–Nottingham–Lincoln services comply with points 10.4 and 10.5, where we shortened a Leicester – Lincoln service to Nottingham and combine the Nottingham – Lincoln portion onto the Matlock–Nottingham to form a new right. We cannot follow Network Rail's logic behind its support for contingent rights only for the proposed Matlock – Lincoln services based on the above explanations. There is no valid reason not to grant firm rights for these services proposed in the 24th SA.
- It is our understanding that if the Matlock – Lincoln service was split at Nottingham and run as two separate services in the December 2025 timings, then Network Rail would support firm rights for both services. This would not be in the interests of passengers and would reduce network capacity at Nottingham because of the requirement to comply with minimum turnround rules. We believe such a situation is unprecedented and illustrates the lack of logic to Network Rail's support of contingent rights only on new routes like Matlock – Lincoln.
- EMR holds firm rights for the existing GNGE Joint Line services between Doncaster and Peterborough. These services do not traverse the ECML Fast Lines. We acknowledge that these services depart/arrive from/at Peterborough station, however, they are running on a different line over a short section between Peterborough and Werrington Jn. In reference to Annex B and based on Points 10.5 and 10.7, Network

Rail has allocated 6 SX and 6 SO access rights for Peterborough to Lincoln into contingent rights while there are only 3 additional services on Saturday in our application that require access rights to cover the necessary quantum. There is no reasonable justification to back up Network Rail's position on its partial support, and they failed to apply these points in a consistent and coherent manner in the representations.

Having examined the comments / data in this final representation, we reject Network Rail's final position as we do not believe that Network Rail has provided valid reasons to justify its recommendations to support contingent rights for the services it puts in Table 2.2 in Annex B. We believe that firm rights for the services sought in this application should be granted.

Also, please see below our detailed comments in response to the specific points from the representations:

3. Detailed Comments

Section 5.3 Unused London North Eastern Railway (LNER) Firm Directed Rights

EMR believes the reference to unused LNER firm directed rights in Network Rail's representations is not relevant to this application and is concerned that this is just copied from the 19th SA. For example, the additional services on a Saturday between Peterborough and Lincoln run on a different line and would not interact with the 0.5 tph London King's Cross – Leeds being described.

Section 5.4 Congested Infrastructure

This application does not traverse any part of the section of route between Doncaster Marshgate Jn and Leeds Copley Hill West Jn. Doncaster Marshgate Jn is located north of Doncaster (156 miles at 26 chains), and EMR does not operate north of Doncaster.

The additional services on Saturday between Peterborough and Lincoln run on a different line over a short section between Peterborough and Werrington Jn, then via the Joint Line to Lincoln. Furthermore, there is typically less Freight and Infrastructure Measurement services at a weekend, so there is sufficient capacity to accommodate an equivalent level of passenger service to weekdays. We therefore question the principle of making these few Saturday services contingent, because it has not been demonstrated what additional factors would apply at the weekend that would impact on performance, or the ability of Network Rail to accommodate these services. Also, with increased rail travel at weekends, without the additional service we do risk overcrowding which does represent a performance risk. The same principle applies to other parts of network, like Nottingham – Derby.

EMR agrees with the comment in Point 11.2, '*...Network Rail is satisfied that sufficient network capacity exists to accommodate these alongside the quantum of other services included in the December 2025 timetable.*' On this basis, it is unjustifiable to grant EMR access rights for these additional services on a contingent basis only. Furthermore, EMR has no reason to believe there are any issues accommodating the services in May 2026.

Section 7 Access Rights Sought - Point 7.3

Please see below EMR's comments in relation to the table in 7.3 (also relevant to Section 11 Point 11.1):

- EMR holds firm rights for the quantum of departures and arrivals at Doncaster.
- EMR holds firm rights for the quantum of departures and arrivals at Peterborough on a weekday, and the rights being sought increase the Saturday quantum to match the weekday.

- The +2 SX Crewe – Lincoln is not an uplift in the quantum of service on any route section, but joining up existing late evening services to provide a through service, which is a benefit to passengers. Until we had completed the rolling stock diagrams, we could not commit to this change, because there are no fuelling facilities at Lincoln. The relevant services are outlined in the table below.

Current Train	Timetable at 19th SA	Final Timetable (Dec 25)
1N27 19:10 Crewe – Nottingham and 2L85 21:33 Nottingham – Lincoln (origin Leicester)	1N27 19:26 Crewe – Nottingham and 2L85 21:42 Nottingham – Lincoln (origin Leicester)	1N76 19:26 Crewe – Lincoln, dep Nottingham 21:27
1N29 20:10 Crewe – Nottingham and 2L89 22:37 Nottingham – Lincoln	1N29 20:26 Crewe – Nottingham and 2L61 22:32 Nottingham – Lincoln	1N78 20:26 Crewe – Lincoln, dep Nottingham 22:34.

- The +1 SX arriving at Grantham is for a late-night service at 21:37 from Nottingham, to fulfil stakeholder aspirations for a later service (current last service 20:46). There is not other EMR services in this hour between Nottingham and Grantham, so we should be pragmatic whether capacity is an issue that would necessitate contingent rights.

Section 8 Interacting aspirations process and associated applications

- Point 8.6

EMR is committed to working with other train operators to accommodate timetable aspirations, and we do not believe the small increase in quantum of service would affect the applications listed under Point 8.6. As we have highlighted in our responses to these associated applications, there are more significant capacity challenges and performance issues to be addressed first.

EMR is mindful of these applications. However, we would question the relevance of this information provided in this representation to support ORR's direction on this 24th SA application.

Section 11 Capacity and Performance

It is inequitable to decide on this application based on the assessment of less than one mile of our network between Newark Castle and Newark Flat crossing. The assessment of Newark Flat Crossing was what informed the 19th SA, and similar to our comments on Section 5.3 in this letter, EMR is concerned that this is just copied from the 19th SA.

The 24th SA is about the wider changes for EMR's local and regional services across the network, rather than specifically Newark Flat Crossing. Most of the proposed services are based on existing services (in quantum) being combined, split or extended either from their origins or to their destinations. They will provide additional journey opportunities and improved connections between Crewe/Matlock, Derby, Nottingham and Lincoln.

We commissioned Rail Aspects to undertake comprehensive modelling of the wider network, which found T-3 failures would reduce by 35% in the east and 28% in the west for EMR local and regional services. This will help to deliver right time performance at the critical locations, like Newark Flat Crossing.

- Point 11.4

We are surprised by Network Rail's comment about when control room interventions are required, because this would be the same caveat applied to any performance modelling Network Rail had carried out in RailSys. When

looking at this application, it is important to consider the changes that will help with control room interventions, which include:

- Provision of longer dwell times at Nottingham (4 to 11 minutes) to reduce delays being transferred from west to east and vice versa.
- Longer turnround times. For example, in the current timetable the typical turnround at Crewe is 11 minutes, which increases to 40 minutes.
- More standardised calling pattern, reducing the requirement for special stop orders and/or taxis.
- Self-contained unit workings.

Section 13 Conclusion - Point 13.1

Network Rail has stated in its representation letter that it partially supports the application, and the support for contingent rights is for a period of 1 year with no expectation of continuity. EMR does not support the position taken by Network Rail with respect to this application. The duration supported by Network Rail does not provide EMR with any long-term certainty surrounding service continuity.

We would welcome a similar pragmatic approach to the 19th SA, where firm / contingent rights are supported until the expiry of EMR's track access contract in May 2028.

4. Conclusion

We have seen significant issues caused by the granting of contingent rights in advance of the delivery of firm rights and would recommend that this is not repeated unless it is paramount and justified with evidence and facts.

We would request ORR to consider all our comments raised in this response and the significant benefits that the proposals in this 24th Supplemental Agreement would bring to passengers across the East Midlands and grant firm rights to our proposed services in the 24th Supplemental Agreement.

Yours sincerely,

Lanita Masi
Network Regulatory Access Manager
East Midlands Railway