West Offices, Station Rise, York YO1 6GA
LNER.co.uk

LNER
LONDON NORTH EASTERN RAILWAY

Jonathan Rodgers
Senior Executive
25 Cabot Square,
London,
E14 4QZ

By email only

18th August 2026

Dear Jonathan,

London North Eastern Railway response to Network Rail Representations – S17 Track Access Contract Extension application

Thank you for the opportunity to respond to Network Rail's (NR) *letter Network Rail Infrastructure Limited representations for a proposed Track Access Contract submitted under Section 17 of the Railways Act 1993 between Network Rail Infrastructure Limited and London North Eastern Railway Limited* dated 6th August 2026. Please see London North Eastern Railway's (LNER) comments below:

Inclusion of Class 897 Rolling Stock in the Specified Equipment clause of the Track Access Contract

1. In response to Paragraph 1.9, 4.3.8, and 7.2 LNER would like to highlight that advice and guidance from NR was sought regarding the inclusion of the Class 897 Rolling Stock in Specified Equipment. LNER are currently engaging with NR to build the Vehicle Change (VC) proposal and this is to be released imminently for consultation, following the standard procedure; to which NR had advised LNER to include the Class 897 Rolling Stock within the S17 draft Track Access Contract (TAC) Specified Equipment clause. In this letter, NR have opposed the inclusion of Class 897s in the S17 application whilst advising LNER to undergo standard procedure.

2. LNER has always intended to undergo the VC procedure and introduce to the current TAC via Supplemental Agreement (SA) and the inclusion of Class 897 Rolling stock within the S17 draft TAC does not negate this intention. As mentioned above, LNER was guided to include Class 897s within the S17 application by NR, so clarification and confirmation of how NR would like us to proceed in this regard would be helpful.

Firm 5 London <> Leeds Rights

3. LNER has made significant investment, using UK taxpayer funds, in procuring new rolling stock (battery bi-mode / multi-mode Class 897 ‘Serenzas’ which are presently under construction by CAF). This procurement exercise was conducted in the context of the 5 awarded London <> Leeds Firm Rights. If these rights are suddenly removed ahead of the delivery of the Class 897 units, then NR undermines operator, investor, and other railway industry customer confidence, and reduces the reliability and resilience to change of our business plan, and is a significant disincentive to investment in and reliance on the industry for future investors and customers.

   3.1 It remains LNER’s ambition to deliver the unfulfilled 0.5tph Leeds to London services at the earliest opportunity that is not disproportionately detrimental to the performance of the network. These intentions are documented as part of our 2050 Strategy and the additional 0.5tph Leeds to London services form the next key upgrade to ECML services for this regional capital (especially in lieu of HS2 services to Leeds). Additional paths from London to Leeds would be the final step of the original £1.2 billion East Coast Upgrade (of the planned +1.5tph for the ECML franchise, only +1tph was delivered in December 2025). They would also constitute the first step towards long term planned increase to 9tph LDHS paths on the East Coast Main Line by 2045. This commitment is supported by Department for Transport Operator Limited on behalf of Department for Transport. It is therefore a key objective of LNER and Department for Transport Operator Limited on behalf of Department for Transport to deliver on this long-standing commitment and continues to be an objective LNER is working towards delivering in collaboration with the wider industry. This also aligns with the objective of the Network Rail 2045 Route Study, currently underway, to achieve up to 3tph per direction between Leeds and London.

   3.2 To further substantiate LNER’s intention to deliver the unfulfilled Firm Rights for 0.5tph per direction between Leeds and London, significant investment has been made to secure new 550+ seater Class 897 ‘Serenza’ rolling stock to replace and augment the legacy IC225 fleet. Ten of these trains have been procured, with 8 in daily service (3/4 more than the IC225s). This decision was made with due consideration to LNER’s long held Firm Rights which includes the unfulfilled 0.5tph Leeds to London services. As LNER is a publicly funded operator there must be consideration given towards the required return on investment to the UK taxpayer and the opportunities to maximise value from the operation of this rolling stock in the same way that commercial considerations would apply to private sector applicants.

4. LNER notices within paragraph 4.2.10 that NR argues that the presence of the footnote “in effect made the 5 London <> Leeds rights at best contingent”. LNER strongly refute this statement as the footnote itself starts with ‘These Firms rights’ stating these rights are Firm

and not Contingent and nowhere in the footnote does it categorise these Firm Rights as Contingent Rights. The Firm Rights are included within Table 2.1 of Schedule 5 which categorises them as Firm Rights. If they were 'at best contingent' they would not be included within Table 2.1 of Schedule 5.

5. LNER notes within paragraph 4.2.12 that NR are "of the view that additional rights are being sought in this application by removing the conditionality of the 5 London <> Leeds rights and thereby changing their status". LNER firmly reject this statement, the number of rights within Schedule 5 is not to change at all, the figures remain in line with LNER's stated position over many years and the original grant of rights by the ORR. Further to this, the footnote itself does not state the Firm rights will be classed as 'additional rights' when effective. These rights are not additional and merely reflect that the December 2025 timetable was not able to deliver in line with the rights held by LNER.

6. In the ORR letter to NR dated 23rd April 2026 regarding Grand Central's 35th SA application the ORR states "If new information means that additional services can be accommodated on the current infrastructure, we consider that LNER's firm rights would take precedence over any additional rights in current applications". If there is a case where rights can be delivered on the current infrastructure, then our existing Firm Rights should continue to be represented within Table 2.1 of Schedule 5 within our TAC and there should not be a restricting footnote. Rights for other additional services should not be granted while LNER continues to hold rights that have not been fulfilled.

7. LNER would like to highlight that Declaration of Congested Infrastructure (DOCI) is not an allowable reason to decline applications so the section on Congested Infrastructure (paragraph 5.4) should be discounted. DOCI notices are non-binding and advisory only, with no legal or contractual status as detailed within the Code of Practice.

8. Within paragraph 4.2.2 NR state that the Access and Use Policy (AUP) does not apply under the existing regulatory framework and that it cannot be adopted until future steps have been taken; including further consultation and the passage of the Railways Bill. Whilst LNER agrees this is the present status; the application is for an extension of 5 years which will see these future actions complete with the stand up and operation of Great British Railways (GBR). Due to this LNER believes these principles to be relevant along with other currently-consulting policy proposals like the Long Term Planning in GBR document.

    8.1. The industry cannot lose sight of the transition that is to happen during the proposed contract extension period, neither can the Long Term Rail Plan lose sight of its objectives which includes ensuring use has strategic fit across the whole network, providing consistent capacity allocation, setting out clear planning assumptions around how capacity must develop over time and how it will be used. This simply put is the overall goal of industry growth, reducing net subsidy, and consistent funding decisions. This supports LNER's continued holding of the 5 London <> Leeds rights.

9. Within the letter dated 29th May from NR to ORR upon ORR's request *Response to ORR's 23 April 2026 letter - Network Rail position on Grand Central application (35th)* Annex B is a timetabling review of the LNER 5 London <> Leeds rights. Within this review NR indicates there are no Timetable Planning Rules compliant paths. However, within Annex B there are three entries that states 'Valid Path'. LNER recognises within this response NR state further analysis is required. LNER request that the remaining analysis be completed to have a full view of if any of the 5 London <> Leeds rights can be operated on the current infrastructure.

10. The removal of the footnote is to indicate LNER's willingness and intention to operate these services, or any of the rights that can operated. LNER requests that the ORR retain the conditionality of funded infrastructure on any of the remaining 5 London <> Leeds rights that cannot be operated.

Edits to the documents

11. LNER agrees that the contract particulars should reflect those within the existing TAC.

12. LNER accepts that a new Emergency Access Code requires to be signed by both parties.

13. LNER accepts the wishes to remove Glasgow Central, Motherwell, and Sunderland from Annex B.

14. LNER accept the proposed wording of "Firm Rights to couple and uncouple trains at Leeds" to be included in Clause 2.3.

15. LNER agrees to work with NR to update the Train Service Codes (TSC).

16. LNER agrees to add the sums listed in the existing LNER TAC to the draft LNER TAC Liability Cap sum.

17. LNER recognises there are several typing errors listed which can be addressed.

LNER will work with Network Rail on the agreed edits that may need reflecting within the existing TAC and will address the typing errors highlighted.

Yours sincerely,

[redacted]

Olivia Richardson
Track & Station Partnership Manager