

To: Jonathan Rodgers  
Senior Executive, Access & Licensing  
Office of Rail and Road  
25 Cabot Square  
London  
WC2B 4AN

22<sup>nd</sup> July 2024

Dear Jonathan,

## **Transport UK East Midlands Limited (“EMR”) response to Network Rail’s Representations on EMR’s 19<sup>th</sup> Supplemental Agreement**

### **Introduction**

Thank you for the opportunity to respond to Network Rail’s letter dated 28<sup>th</sup> June 2024 regarding EMR’s Section 22a application for the extension of Crewe – Newark Castle services to Lincoln from December 2025 (proposed 19<sup>th</sup> Supplemental Agreement to the Track Access Contract).

In line with ORR’s request for access rights applications for the three timetable changes starting in December 2024, May 2025, and December 2025 to be submitted by 20<sup>th</sup> May 2024, EMR submitted this application to the ORR on 20<sup>th</sup> May 2024. Network Rail wrote to train operators on 8<sup>th</sup> May 2024 requesting that detailed information is submitted alongside the applications to support Network Rail’s timetable and performance assessments and asking applicants to discuss their plans with Network Rail before submission. EMR acted upon this and fully engaged with Network Rail, including the timetable team, to discuss this application including the capacity assessment EMR undertook which was based on the ECML ESG Timetable. EMR has put in significant effort in the compilation of evidence for this application.

EMR is therefore disappointed that Network Rail has been unable to provide a clear position on this application and have not provided the necessary information to support ORR’s review of this application.

### **Significant benefits delivered by the proposed Supplemental Agreement**

EMR’s regional services between Nottingham and Lincoln suffer from frequent overcrowding with strong demand in both the peak and off-peak. An increase in services between Nottingham and Lincoln is a long-held aspiration by key stakeholders including Lincolnshire County Council (LCC), Midlands Connect and Newark Business Club (NBC). Improving rail connectivity between Lincoln, Newark and Nottingham is a long-standing priority for Transport for East Midlands (TfEM). The proposals in this application will increase the services between Nottingham and Lincoln, which will bring substantial benefits to the communities along this corridor and contribute significantly

to the economic, social, and environmental well-being of the region. Improved frequency, faster peak journey times and more seats will encourage modal shift to rail and more sustainable travel. The proposals are very much welcome and letters of support from LCC, NBC and TfEM have been received and shared with Network Rail and copied in the ORR.

The EMR regional services between Nottingham and Lincoln are already busy and suffer from frequent overcrowding, and forecasts suggest passenger journeys will continue to grow. In the peak period at Nottingham 4 out of 5 services have passengers standing, and at Lincoln many services from late afternoon have more than 90% of seats occupied. The strong demand continues in the off-peak, with weekday services between 10:00 and 15:59 having an average critical load of more than 70%. At weekends the problem is worse, and so far, this calendar year we have had 81 instances of full and standing services on Saturdays. This is only the instances reported by onboard staff to control, many do not get reported.

EMR has carried out an assessment of capacity at Newark Flat Crossing, based on the East Coast Main Line ESG Timetable, and is confident that there is capacity on Newark Flat Crossing alongside the East Coast ESG timetable structure. There are suitable gaps to accommodate up to three crossing movements an hour at Newark Flat Crossing. If the East Coast ESG is not delivered by December 2025, EMR remains confident that the three crossing movements an hour at Newark Flat Crossing can still be achieved.

The EMR proposal compliments the East Coast ESG timetable with the following changes:

- Helps to ensure right time presentation of EMR services at Newark Flat Crossing and Grantham and increases the resilience of EMR's regional timetable.
- Resolves outstanding timetable validation issues affecting EMR services east of Nottingham.
- Removal of excessive pathing time in EMR schedules.
- Provides Network Rail more flexibility to address any outstanding validation issues from the Timetable Development Process, with the following changes:
  - Trains are not on minimum turnround times (Timetable Planning Rules), reducing the impact of any retiming.
  - Extended dwells at Nottingham, giving more flexibility.
  - Created more capacity for freight at both Peterborough and Doncaster.
  - Incorporates provision for an hourly freight path between Nottingham and Lincoln.

The proposed timetable includes the following stakeholder benefits:

- Ambition to increase capacity between Nottingham and Lincoln
  - 2tph Nottingham to Lincoln
  - Evenly spaced services from Nottingham and Lincoln
  - Delivering over 50% more seats between Nottingham and Lincoln
- Aspiration for a more consistent calling pattern on the Castle Line

- Hourly service at Burton Joyce
- Reduces long gaps in the service at intermediate stations
- Intermediate stations between Nottingham and Newark Castle will have an all-day direct service to Lincoln
- Opportunity to improve connections in Greater Lincolnshire and offer a more clockface timetable
  - Improved connections at Sleaford for journeys from Lincoln to Boston / Skegness
- Opportunity to explore extending services in North Lincolnshire
  - Extension of services from Grimsby Town to Cleethorpes
- Potential for improved connections with other Train Operating Companies, providing faster journey times
  - Improved connections with LDHS services at Peterborough, Newark Northgate, Lincoln, and Doncaster
  - Faster journey times between East Anglia and Nottingham

### **Network Rail's High-Level Plan**

We note that on 5<sup>th</sup> June 2024 Network Rail responded to ORR's request to provide the industry a high-level plan setting out when Network Rail will produce its robust assessment for all the applications submitted by 20th May 2024. EMR has low confidence in the High-Level Plan provided, indeed Network Rail themselves state that *'we are not able to commit to concluding all necessary access application phases of work before the timetables enter the D40 development periods'*.

We acknowledge Network Rail's approach to phase the analysis is driven by the extraordinary number of new applications received. However, the entire assessment for access applications is bounded by ECML route policies and the ECML ESG Timetable. Network Rail has highlighted in the High-Level Plan the key milestone dates for production of timetables, its interdependency with the access assessment and the dependency on the ECML ESG go/no go decision. As stated in Network Rail's High-Level Plan, *'All ECML ESG related applications will be considered following decisions as to the implementation of the ESG Timetable'*. We also note an inconsistency in the High-Level Plan. Phase 3 refers to an ECML ESG go/no go decision in September 2024, whereas phase 4a refers to an ECML decision in January 2025.

We are concerned that the approach outlined in the High-Level Plan will lead to further delay and prolong the crowding endured by passengers on this route, which needs to be addressed. It is also not clear how it will help the ORR make an informed decision on the access applications that do interact with the ECML. There is a need for clarity and decisiveness to inform ORR's position and ensure timetable readiness workstreams can progress constructively and collaboratively with Network Rail and Operators.

**Network Rail's assessment of this application**

Moving on to this application Network Rail state in Phase 3 of the High-Level Plan that if a decision is made by 30<sup>th</sup> September to not implement the ECML ESG in December 2025, then ECML aspirations should be absorbed into future ECML service specification discussions and applications rejected. This is not acceptable to EMR. As noted above there are significant crowding issues which need to be addressed urgently. Demand forecasts suggest passenger journeys will continue to grow on this route due to population growth and economic development. Whether or not ECML ESG is going ahead in December 2025, we need to implement the proposed increase in services to tackle this problem.

Furthermore, these services do not run on the ECML. The only interaction point is over Newark Flat Crossing, so services can be flexed to match the timetable on the ECML. Our submission assumed the ECML ESG timetable, to demonstrate it was compatible with an increased number of LDHS services. If a decision is made to not implement ECML ESG in December 2025, then this application should not be rejected. It should be allowed to be resubmitted based on the ECML timetable in place in December 2025.

Operators have worked hard to develop their bids including diagramming of train crew and rolling stock. It puts significant risks on operators if their services are rejected; it is challenging and costly to unpick the timetable proposals they put together.

**Detailed comments**

Our detailed comments on Network Rail's review of Form P and associated documents are as below:

In the submission F3 prints were not included, but available on request. This is because we wanted to share the information in a controlled fashion and ensure it did not become a timetable consultation exercise whilst stopping patterns were still being examined. We had a constructive meeting with Network Rail on the 23<sup>rd</sup> May, and provided a PIF file containing all weekday services at Nottingham, Newark Flat Crossing and Lincoln and a list of changes to other Operators services at Newark Flat Crossing. The PIF contained other Operators services to provide all the required information to assess capacity, which could then be filtered to show EMR services only.

One of the issues raised during the ECML ESG process, was the lack of consistency between SX and SO services operated by EMR. This made it more difficult for the industry to plan other services on the ECML, where services were consistent. It is intended that the EMR services in the 19<sup>th</sup> Supplemental operate EWD, with some early morning trains not running on a Saturday. EMR will liaise with Network Rail to ensure the Saturday information is provided before it is required for assessment.

Due to some subsequent changes to Train IDs to avoid duplicates at Nottingham, there had been some confusion about missing services. The Advanced Timetable Team have now been able to confirm the missing service were contained in the PIF file. We will work with Network Rail to make it easier to narrow down the relevant services in the future.

EMR will continue to work collaboratively with Network Rail to help with the assessment of this application. Conversations have already commenced about Level Crossing risk. We have committed to engage with the Network Rail EM Route team on the performance simulation work, through our Partnership framework. This will jointly specify the remit for the modelling, assess the outcomes and look at ways in which performance would want to influence the EMR regional timetable.

**Conclusion**

In conclusion, it is noted that an unprecedented scale of access applications has been submitted following ORR's letter of 24<sup>th</sup> April 2024. However, EMR is disappointed that Network Rail has been unable to consider its position on this application, and most importantly, Network Rail has failed to adequately provide the necessary and relevant information in this representation to support ORR review regarding EMR's proposals in this application.

Yours sincerely,



Lanita Masi  
Network Access Manager  
East Midlands Railway