



APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Beneficiary company name:

London and North Eastern Railway Company Limited (LNER)

1.2 Facility owner details:

Network Rail:	<input checked="" type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input checked="" type="checkbox"/>	North West & Central <input type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input checked="" type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

1.3 Application under the Railways Act 1993 section:

17 <input type="checkbox"/>	18 <input type="checkbox"/>	22 <input type="checkbox"/>	22A <input checked="" type="checkbox"/>
Supplemental Number:			34 th
Current contract date:			3 rd March 2017
Current contract expiry date:			Principal Change Date (PCD) 2025

1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	24 th June 2018
	Public service contract end date:	The rail contract between the Secretary of State for Transport and LNER for the delivery of passenger services is due to expire on 22 June 2025. A PIN has been issued for an extension of 2 +up to a further 3 years, and as LNER is under DfT OLR Holdings Limited it is almost certain that LNER will be issued with a direct award for a minimum of 2 years. This means the contract term will be up until June 2027 with the option of extending up until June 2030.
	Name of funder (e.g. DfT, Local Authority):	DfT
	Does the funder support this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Open Access <input type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:**Track Access Contract Extension**

This application is made to deliver a transformational timetable on the East Coast Mainline delivering significant additional revenue for industry and providing benefits for all communities on the route.

LNER is seeking an amended contract for the following reasons.

1) To ensure that LNER has the correct quantum of rights to operate the East Coast Mainline Event Steering Group (ESG) timetable on all days of the week. The existing schedule 5 Part C of LNER's contract was based on a timetable which had been developed as part of the Virgin Trains East Coast (VTEC) bid for the InterCity East Coast franchise during 2014 which would see LNER operating 6.5TPH (trains per hour) across the day, supplemented by additional peak services. Since then, considerable development work has taken place on what has become the industry ESG timetable. The development work on this timetable has demonstrated that the 6.5TPH is not available in the current timetable structure and has been reduced to 6TPH. However, the number of trains at different times of the day and week has also evolved and the revised contract seeks to recognise that. The work at weekends has also evolved further in order to achieve a standard service pattern across all days. This application also seeks to extend the existing rights to PCD 2030. Part C of the contract will be implemented in line with the introduction of the ESG timetable, the date of which will be confirmed in Jul 2024. If not, we expect Schedule 5 Part B to continue, subject to the confirmation of the ECML Rights Policy. Note that changes to part B are covered in separate supplementals.

2) LNER notes that the additional 0.5TPH (Leeds <> London), for which it currently holds firm rights, cannot be achieved by the industry as part of the ESG structured timetable. However, LNER (and DfT) remains committed to achieving this timetable benefit. LNER also notes that this requires new rolling stock and may also require additional infrastructure. LNER will therefore submit a separate application for the additional 0.5TPH (from 2028) so that industry is clear on LNER and DfT's intentions and that any consideration around these longer term benefits can be de-coupled from the immediate ask. LNER will be submitting a separate application for the additional 0.5TPH for delivery in December 2028.

3) LNER is also seeking to retain its rights to extend services to Bradford and Middlesbrough, subject to funder approval as it is expected these rights will be exercised within the duration of the contract. We expect to be using the Bradford rights from SCD 2025 and Middlesbrough from PCD 2027.

The amended contract reflects the agreed service pattern developed under the aegis of the ESG based on following service pattern.

2 TPH all day between London <> Edinburgh of which one service will be "fast"
 2 TPH all day between London <> Leeds with complimentary services patterns
 1 TPH all day between London <> Newcastle
 0.5 TPH all day between London <> Lincoln alternating with
 0.5 TPH all day between London <> York / Middlesbrough.

In addition to this we request the rights for the following extensions

0.5 TPH between Leeds <> Harrogate
 0.5 TPH between Leeds <> Bradford to be delivered on completion of necessary infrastructure enhancements
 0.5 TPH between York <> Middlesbrough to be deliver on completion of necessary infrastructure enhancements.
 1 TPD (train per day) each way to be extended between Leeds and Skipton
 1 TPD between London <> Hull.

It is assumed this pattern will operate on all days of the week with any variation due to amended start and end of service times for Saturday and Sunday.

Proposed commencement date:	Subsidiary Change Date (SCD) 2025
End date:	PCD 2030
Date approval or directions wanted by:	02 nd August 2024 in line with Priority Date for SCD 2025

1.6 Industry consultation:

Who carried out the consultation?	Network Rail		
Consultation start date:	21st May 2025	Consultation end date:	21st Jun 2025
Not carried out <input type="checkbox"/>			

Applicant details

<p>Facility Owner Company: Network Rail Infrastructure Limited Contact Name: Mark Garner Job Title: Customer Manager Floor 4B George Stephenson House Network Operations Toft Green York YO1 6JT</p> <p>Phone: [REDACTED] E-mail: [REDACTED]</p>	<p>Beneficiary Company: London North Eastern Railway Company Limited Contact Name: Malcolm Knight Job title: Head of Operational Planning West Offices Station Rise York YO1 6GA</p> <p>Phone: [REDACTED] E-mail: [REDACTED]</p>
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1.7 Date of application to ORR: 20th May 2024

1.8 Checklist of documents attached to the application form:

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):

The application includes the attached performance assessment
20240307_ECMLESGPerformanceModellingReport_v2.0.pdf
Copies of the proposed Weekday, Saturday and Sunday timetables.

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf.
 - if so, please name the proposed operating company:

2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

The proposed level of service is detailed in the accompanying marked up copy of schedule 5 of Part C of the current contract, showing the total number of services proposed for all service groups and the variation from the current contract. The number of rights requested reflects the current timetable as developed by the ESG.

It should be noted that the current Track Access Contract was based on an assumed timetable which had been developed as part of the original Virgin / Stagecoach bid for the Inter City East Coast franchise. This form reflects all of the detailed work done by the industry in developing the timetable for all operators.

The work by the ESG has developed the weekend timetables on the basis of operating the same basic timetable on all days of the week – which is the reason for the increase in service numbers versus the original contract. The work on weekend timetables was based on an assumed timetable at the time of granting the current rights.

The contract will be amended to change the contract end date from PCD 2025 to PCD 2030 and Schedule 5 of Part C will be replaced by the version included within this application.

The retention of the additional 0.5TPH London <> Leeds will be managed through a separate application they still form part of our long-term business plan and the key obstacle in delivering these rights is the infrastructure capability.

3.2 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

The ESG timetable has been subject to significant development through the ESG and TP HAZID and do not believe it presents any change in the level of risk.

3.3 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

LNER Track Access Contract will be extended from PCD 2025 to PCD 2030. The proposed duration of 5 years will provide DOHL with business continuity and an appropriate level of protection to enable it to plan its business with a degree of certainty and to enable it to fulfil its obligations under its public service contract with the Secretary of State for Transport. It will also benefit passengers by providing contractual service stability until the PCD 2030.

3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have ***not*** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

This application has yet to be approved by Network Rail's Sale of Access Rights Panel, however given that the rights sit within the envelope of rights directed in the current contract, we expect the application to move to a supported application during consultation.

3.5 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

Not applicable

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g., establishment of an access charge supplement or rebate).

Not applicable

- new processes (e.g., a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

Not applicable

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

Consolidated to 11 March 2024 on ORR's website and in due course this will be updated with the version that includes the Periodic Review 2023 amendments via the 33rd Supplemental Agreement.

4. The impacts of the proposal

4.1 Benefits: please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

The benefits of this proposal have been reviewed and agreed as part of the original direction of rights in 2016. The proposal will provide for a significant uplift in capacity on the core East Coast Mainline (ECML) route providing significant benefits for LNER customers and the communities served by LNER.

LNER has seen one of the fastest recoveries in the growth post COVID. The new trains have allowed LNER to increase seating capacity within the current timetable but in order to provide for future growth, the implementation of the ESG timetable is now required to add significant additional capacity on the busiest section of the route.

The new timetable allows for an increase in passenger capacity, reduced journey times between major cities and the opportunity for LNER to manage capacity effectively across multiple different markets.

Over 5 million extra seats will be added every year – an increase of 16%. Intermediate calls will be spread among more services allowing demand to be spread more evenly providing capacity for benefits across the route.

The timetable itself has been developed through the industry Event Steering Group for the ECML and has seen involvement from all operators (passenger and freight) to develop the optimal overall solution to accommodate the needs of all users of the route.

In recent years, significant, multi-billion pound industry investment has taken place on the route with investment in new trains and infrastructure enhancements notably at King's Cross and Werrington junction. This timetable change is necessary to allow the benefits of that investment to be realised through industry revenue and the economic benefits the improved service will bring.

The LNER timetable also operate under electric power on all electrified sections of the route and will deliver improved sustainable travel options allowing more customers to choose rail over alternative modes and supporting the decarbonisation of the UK economy.

This timetable drives industry revenue and supports economic growth and the communities on the ECML through providing more sustainable travel options.

4.2 Capacity: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

The ESG has demonstrated that sufficient capacity exists to operate the services detailed in section 1.5.

Passive provision has been made in the ESG timetable to extend services to Bradford and Middlesbrough subject to the completion of necessary infrastructure works.

4.3 Performance: What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

Extensive performance modelling of the ESG timetable has taken place and has deemed that while there is an impact on performance, this is manageable given the scale of increase in services proposed. Performance modelling work is detailed in the accompanying document.

4.4 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

NR and LNER have been working closely to review the impact on planned maintenance and renewal activity, balancing the need to operate the service and allow for the safe and reliable operation of the railway. There have been various readiness activities undertaken to ensure resilience of the plan and infrastructure.

5. The expression of access rights

5.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

Details of the proposed changes in quantum are provided in the accompanying document which is a marked-up version of schedule 5 of the track access contract. This shows the change in service levels for all LNER service

groups. The proposed access rights are not new rights but changes to the existing rights based on the ESG timetable as developed by the industry.

5.2 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

All rights are quantum only and do not contain flexing limitations.

5.3 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

LNER has sufficient rolling stock to operate the service and the proposed extensions. Rolling stock will consist of class 80x (Azuma) trains and IC225s sets. All vehicles have full route acceptance for the relevant routes. The rolling stock consists of:

10 x 9 car bi-mode sets (Class 800 series)
 26 x 9 car electric sets (Class 801 series)
 8 x 5 car bi-mode sets (Class 800 series)
 10 x 5 car electric sets (Class 801 series)
 4 x IC225 2+7 sets (Class 91 loco + 7 passenger carriages + DVT) with 4 spare sets.

5.4 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

The services that LNER are seeking to operate are part of the LNER Train Service Requirement with the DfT and have DfT approval and funding.

5.5 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

There is no other public funding of the services.

5.6 Long Term Planning Process: Is the Long-Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

This proposal will deliver within the envelope of rights granted by ORR in 2016.

6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised

- (iii) services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

6.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

This is not a new application as the rights are within the envelope of rights approved in 2016. The original proposal was fully assessed by the ORR in 2016 on which a full economic assessment was carried out and all information provided.

6.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

7. Incentives

7.1 Train operator performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

LNER has already delivered significant additional resource to improve performance. The new Azuma fleet will operate the majority of services and these trains have already demonstrated a significant step change in reliability, performance and recovery capability. LNER also have 4 Performance Hub Managers across the route at London, Newcastle, Edinburgh and Leeds / Doncaster. The hub managers are focused on reviewing all aspects of operational performance in their respective areas and identifying and communicating any issues. They work closely with all colleagues in the area (other operators and NR) to resolve performance issues. We are currently further strengthening our performance capability with the introduction of a new role of Performance Engagement Manager for which we are now recruiting. We also have a process of reviewing performance across all areas of the business with all functions engaged in an annual business performance planning process. LNER holds regular reviews with Network Rail on all performance issues to identify opportunities for improvement.

7.2 Facility owner performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

Significant enhancement projects have already been delivered to in readiness for the enhanced timetable. This includes the complete remodelling and re-signalling of King's Cross station and its approaches. In addition, the Werrington dive under has been developed and delivered to remove conflicting moves north of Peterborough station. Work continues on the East Coast Digital project and re-control of signalling to the York Integrated Control Centre.

7.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

All trains will be monitored as per usual industry process under the schedule 8 regime.

7.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

Not Applicable

8. Enhancement

8.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

For the core timetable of 6.0TPH and the extensions currently offered by LNER, no network enhancements are required.

For Middlesbrough and Bradford extensions, platform and infrastructure work is required on the route to and at the relevant stations. This work is currently being developed by Network Rail in conjunction with the relevant local authorities. Work at Shipleigh to enable enhancement of platform four has been agreed by LNER as part of a Network Change proposal. It is expected that the Bradford services will be delivered from SCD 2025 and Middlesbrough from PCD 2027.

To deliver the agreed and ORR directed quantum of LNER services, further work will be required on the core route, recognizing that some of the work on which the current access rights have been agreed has not been delivered.

8.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

Not applicable

9. Other

9.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

This is a standalone application and is an update of the previously agreed TAA as directed by the ORR. Separate applications will be submitted for changes that apply to Dec 2024, May 2025, and Dec 2025 and beyond.

9.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

Not applicable

9.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

10. Pre-application consultation

10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

Who conducted the consultation?

Mark Garner, Customer Manager, Network Rail.

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

Neil Sutton – Scotrail
 Martin Clarke – Transport Focus
 Matthew Stoddart - WYCA
 Quentin Hedderley – DB Cargo.
 Ian Kapur - GBRf
 Jen Clare – Lumo
 Louise Mendham - Hull Trains
 Mark Garner – Network Rail
 Chris Brandon – Grand Central
 Darren Gay – GTR
 Kate Oldroyd – Northern
 Rob Gilbody – TransPennine Trains
 Trevor Rosenberg – London Travel Watch
 Sue Rhymes – Avanti West Coast
 Chris Matthews – Freightliner
 Rob Holder – Great Western

Copies of all correspondence is attached.

10.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

Amended following consultation

The main issues raised relate to the ability of the ESG timetable to accommodate the rights requested by all operators. LNER has firm rights for its services as directed by the ORR and our application is within the envelope of rights granted. Work on the ESG timetable has continued since the consultation took place and has demonstrated with more certainty that the additional LNER services can be accommodated. The ECML Taskforce has reviewed the progress of this work and has agreed to proceed with the ESG timetable. This position has been publicly endorsed by the Secretary of State for Transport.

10.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

Performance modelling is currently underway and the outputs of that work are expected in Jan 2025. The ECML Taskforce will review this work.

10.4 Subsequent Changes: Have any changes been made to the proposal following consultation?

No significant changes have been made to the application however work has continued on the development of the ESG timetable in line with the industry program of work to resolve the outstanding issues.

11. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed ... 

Date 20th May 2024

Name: **MALCOLM KNIGHT** Job title: **.HEAD OF OPERATIONAL PLANNING**

For (company) ...London and North Eastern Railway Company Limited

12. Submission

12.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

12.2 Where to send it:

Email: [REDACTED]