



## **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:

Transport UK East Midlands Ltd trading as East Midlands Railway (EMR)

### 1.2 Facility owner details:

|                       |                                      |  |  |   |  |
|-----------------------|--------------------------------------|--|--|---|--|
| Network Rail:         | <input type="checkbox"/>             |  |  |   |  |
| Region:               | Southern<br><input type="checkbox"/> | Eastern<br><input checked="" type="checkbox"/> | North West & Central<br><input type="checkbox"/> | Wales & Western<br><input type="checkbox"/> | Scotland's Railway<br><input 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:          |                          |    |                          |    |                          | 19 <sup>th</sup>               |                                     |
| Current contract date:        |                          |    |                          |    |                          | 1 <sup>st</sup> September 2020 |                                     |
| Current contract expiry date: |                          |    |                          |    |                          | SCD 2028                       |                                     |

### 1.4 Applicant status:

|                           |   |   |
|---------------------------|---|---|
| Public Service Operator × | Public service contract start date:         |   |
|                           | Public service contract end date:           |   |
|                           | 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:

Transport UK East Midlands Limited ("EMR") is seeking to amend the track access rights to extend the Crewe to Newark Castle service to Lincoln. Services on the route between Nottingham and Lincoln are already busy, and forecasts suggest passenger journeys will continue to grow. The justification for submitting the application now, is that we are confident that there is capacity on Newark Flat Crossing alongside the East Coast ESG timetable structure.

|  |  |
|--|--|
| Proposed commencement date:            | PCD 2025                               |
| End date:                              | SCD 2028                               |
| Date approval or directions wanted by: | As soon as possible ahead of PCD 2024. |

### 1.6 Industry consultation:

|                                   |                          |                        |              |
|-----------------------------------|--------------------------|------------------------|--------------|
| Who carried out the consultation? | Network Rail (NR)        |                        |              |
| Consultation start date:          | 21 May 2024              | Consultation end date: | 24 June 2024 |
| Not carried out                   | <input type="checkbox"/> |                        |              |

### 1.7 Applicant details

|   |   |
|---|---|
| <p><u>Facility Owner</u></p> <p>Company: Network Rail Infrastructure Limited ("Network Rail")</p> <p>Contact individual: Alexis Xoufarides</p> <p>Job title: Customer Manager</p> <p>Address: Floor 4B, George Stephenson House, Network Operations, Toft Green, York YO1 6JT</p> <p>Telephone number: [REDACTED]</p> <p>E-mail address: [REDACTED]</p> | <p><u>Beneficiary</u></p> <p>Company: Transport UK East Midlands Ltd – 'EMR' (the "Train Operator")</p> <p>Contact name: Lanita Masi</p> <p>Job title: Network Access Manager</p> <p>Address: Locomotive House<br/>Locomotive Way, Pride Park Derby<br/>DE24 8PU</p> <p>Phone: [REDACTED]</p> <p>E-mail: [REDACTED]</p> |
|---|---|

**1.7 Date of application to ORR:**

20<sup>th</sup> 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):

|   |
|---|
| Appendix A Castle Line Train Graph              |
| Appendix B Newark Flat Crossing Junction Report |
| Appendix C Lincoln Platforming                  |
| Appendix D ECML ESG Issues                      |
|   |

**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).

**Date of commencement:** Principal Change Date 2025

**End Date:** Subsidiary Change Date 2028

**Schedule 5 amendments – EM01 East Midlands Local**

- 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.
- 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.

There is no quantum increase to services between Newark Castle and Crewe. The application meets the “20 May criteria” because it requires capacity on the ECML over Newark Flat Crossing.

**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).

Not applicable

**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](#).

Not applicable

**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.

The Network Rail Customer Managers have been briefed and aware of the upcoming work. It is our intention to start industry consultation as soon as practically possible.

**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.

Yes, the consolidated contract is fully up to date.

## 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.

An increase of services between Nottingham and Lincoln (Castle Line) is a long-held aspiration by key stakeholders, including Midlands Connect, Transport for East Midlands, Lincolnshire County Council, Nottingham to Lincoln Stakeholder Board and Newark Business Club. Midlands Connect have identified that only 10% of journeys between Nottingham and Lincoln are taken by rail. Improved frequency, faster peak journey times and more seats will encourage modal shift to rail and more sustainable travel. If rail is going to support economic growth and greener transport in the East Midlands, additional services need to be provided. Whilst many regional routes have seen improvements to their timetable, there has been no significant change on the Castle Line since May 2015. It has not been possible to obtain letters of support in the time available due to the process for approval, these will be obtained in the future.

The EMR regional services between Nottingham and Lincoln suffers from frequent overcrowding, which is constraining demand growth. 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 65 instances of full and standing services on Saturdays. This is only the instances reported by onboard staff to control, many do not get reported. By comparison, on a weekday the Newark Castle services have average loadings of less than 20% in the off-peak, increasing to approximately 50% in the peak.

Demand forecasts suggest passenger journeys will continue to grow on this route due to population growth and economic development. Therefore, to spread demand and reduce crowding on trains, East Midlands Railway is proposing to extend the slower Newark Castle service to Lincoln. The stopping train has a journey time of 59 minutes, compared to 50-52 minutes on the fast train. Because the trains are evenly spaced from origin, some passengers will switch to the slower service. This will be further encouraged by the extension of Advance Purchase tickets onto the Nottingham to Lincoln route, offering a wider choice of fares and better value for money to passengers. A lower price can be offered to help spread demand onto the slower services.

Alongside plans to increase services on the Castle Line, we have decreased the journey time on LNER services between London King's Cross and Lincoln by an average of 4 minutes. Our proposed timetable on the Castle Line, has provided an opportunity to provide additional benefits on other parts of the network to complement the East Coast ESG timetable. These include:

- Better connections with LDHS services at Peterborough and Doncaster
- Improved connections at Sleaford for journeys between Lincoln and Boston / Skegness
- Improved connections at Lincoln for journeys between London King's Cross and Market Rasen / Barnetby / Habrough / Grimsby Town / Cleethorpes
- Extension of Nottingham services from Grimsby Town to Cleethorpes.

**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.

East Midlands Railway has carried out an assessment of capacity at Newark Flat Crossing, based on the East Coast Main Line ESG Timetable. It was found that there were suitable gaps to accommodate up to three crossing movements an hour at Newark Flat Crossing. Based on the current Timetable Planning Rules, a minimum 5½ minute gap (6 minutes if second movement is an Up ECML service calling at Newark Northgate) is required in services on the ECML for a crossing move. In a typical standard off-peak hour, the gaps are generally as follows:

- xx:01 – xx:09
- xx:11 – xx:19 (2-hourly York – King’s Cross) or xx:20
- xx:33 – xx:38½
- xx:39 – xx:49

Because the ECML ESG delivers a more consistent timetable structure, in each hour there is sufficient capacity for 2tph Nottingham to Lincoln, and a standard Class 6 freight opportunity in each direction. The train graph in Appendix A illustrates the three parallel crossing movements over the Newark Flat Crossing in a standard hour. Furthermore, a junction report to demonstrate all-day capacity at Newark Flat Crossing is included in Appendix B. A very small number of LDHS paths have been flexed by up to one minute, but the subsequent removal of pathing has meant there is no material impact to the LDHS schedule or other services on the ECML.

The next stage was a platforming exercise at Lincoln, where sufficient capacity was available for the aspired level of service. A consistent timetable structure with better spacing of arrivals has reduced pathing time. A platform graph to illustrate all-day platform availability is included in Appendix C.

There is no increase to quantum of service at Nottingham, and the removal of a long turnround has increased available capacity. This has enabled extended dwell times on through services.

A compliant all-day SX Working Timetable (WTT) for the Castle Line has been developed, to demonstrate that all known aspirations and existing access rights are accommodated. In many hours there is no freight path, but capacity is available if required. We are willing to share a WTT and/or PIF file with Network Rail to enable paths to be uploaded into their planning systems.

The Saturday timetable on the Castle Line is expected to be consistent with the weekday, except the removal of some morning peak trains. This resolves some of the challenges in the ECML ESG timetable, where existing East Midlands Railway schedules can be different on a Saturday.

Our proposed timetable complements the East Coast ESG, and we believe will help to enable the successful delivery of the timetable. East Midlands Railway have identified several outstanding timetable issues, associated with compliance to Timetable Planning Rules and the application of excessive pathing time in passenger services. A list of weekday issues is provided in Appendix D, which are all resolved as part of this proposal. Also, this proposal gives Network Rail more flexibility to address any outstanding validation issues in the Timetable Development Process. This is possible because it reduces reliance on minimum turnrounds and extends dwell time at Nottingham to reduce the impact of any minor retiming. Furthermore, the changes help to create more capacity for freight at Peterborough and Doncaster through a self-contained service on the Joint Line (see Section 4.3).

East Midlands Railway have considered the possibility that the East Coast ESG is not delivered by December 2025, and we remain confident that the three crossing movements an hour at Newark Flat Crossing can still be achieved. It would require some minor retiming to paths on the Castle Line, but the extended dwell times at Nottingham and longer turnrounds at Lincoln make this feasible. Furthermore, in Section 5.6 it has been concluded that this change will not impact on the future LNER 3<sup>rd</sup> Leeds.

**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.

All our paths are compliant with Timetable Planning Rules. Recognising the interactions with other key service groups on the network, we have developed a strategy to improve overall network performance which includes the following benefits:

- Dwell times (currently typically 2 minutes) on through Castle Line services at Nottingham is increased, to avoid delay being imported to Newark Flat Crossing from the west of Nottingham.
- Better spacing of trains between Nottingham and Netherfield Junction (east of Nottingham), to avoid delays knocking on to following trains.
- A move towards repeating clock face service patterns, to standardise operations and make the timetable simpler for passengers.
- Average turnround time at Lincoln significantly increased, and reduced interworking between service groups at Lincoln.
- Increased dwell times that better reflect reality with growing demand.
- Two-minute dwell times at Newark Castle, increasing recoverability in the timetable around Newark Flat Crossing. This could be changed to a one-minute dwell and performance time.
- A significant amount of SRT fixes and improvements, which allow more accurate running of services and reduce the opportunity for reactionary delay to develop. The scope of this work is not limited to the Castle Line.
- Through collaborative working with other Operators, there is scope to reduce shunting at Nottingham. This will result in less train movements at the east of the station.
- Increased contingency time to re-occupy the single line at Heckington, through changes between Nottingham and Netherfield Jn.
- Creating a self-contained service on the Joint Line (facilitated through Castle Line changes) has enabled East Midlands Railway to make use of the re-signalling of the Up East Slow at Doncaster. It was made fully bi-directional from Black Carr Jn to Doncaster station. This removes conflicting moves with Sheffield services and avoids the West Slow lines which is intensively used by freight services.
- Creating a self-contained service on the Joint Line (facilitated through Castle Line changes) has enabled East Midlands Railway to optimise the arrival times at Peterborough to be parallel with LDHS services and avoid excessively long turnround times in through platforms. This will create more capacity and flexibility for freight, particularly on Spital ladder and through Platform 1.

The East Coast ESG timetable is forecast to have a negative impact on performance through Nottingham, which has the potential to generate reactionary delay at Newark Flat Crossing. The proposed timetable resolves a number of the identified issues, including:

- Impact of reduced dwell time for Liverpool to Norwich services eastbound impacting the right time departure of Nottingham to Lincoln services.
- Reduced turnround times at Lincoln arising from revised (later) paths over Newark Flat Crossing.
- Impact of westbound Lincoln to Leicester services arriving later in Nottingham, tightening the interaction with Nottingham to Birmingham and Norwich to Liverpool services.

These changes will deliver a timetable that is designed to be more resilient to delays and can quickly recover at times of perturbation. Through the changes identified, any performance risk at Newark Flat Crossing will be minimised. It has not been possible to carry out detailed performance modelling in the time available in advance of the deadline for December 2025 access applications, therefore as part of the next stage we intend to undertake performance simulation to quantify any impacts arising from interactions with other services on the network and apply any necessary mitigations through the timetable development process.



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

This application is compliant with Section 4 of the Network Rail Engineering Access Statement. The times that the proposed extensions operate do not coincide with Section 5 blocks.

## 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.

The description of changes to access rights is summarised in section 3.1, and in the marked-up tables provided in Annex A in the 19<sup>th</sup> Supplemental Agreement.

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

None

**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.

Not Applicable

**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.

Not Applicable

**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.

Not Applicable

**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.

We have considered our proposals alongside the LNER 3<sup>rd</sup> Leeds, using the Concept Timetable supplied by Network Rail. The changes we have identified at Newark Flat Crossing are as follows:



- In the Down direction the additional 3<sup>rd</sup> Leeds passes Newark Flat Crossing at xx/09½, which is 4 minutes after the East Midlands Railway services pass (Timetable Planning Rules require 3 minutes).
- In the Up direction the 3<sup>rd</sup> Leeds passes Newark Flat Crossing at xx/17½, in the odd hours (13/17½, 15/17½ etc). In the odd hours the East Midlands Railway service passes Newark Flat Crossing at xx/15½. Therefore, either the East Midlands Rail service would need to depart Nottingham one minute earlier or some modest Line Speed Improvements implemented on the Castle Line. The 3<sup>rd</sup> Leeds requires the delivery of infrastructure schemes, which means there is time to consider options as part of the Long Term Planning Process.
- In the Up direction the York – King’s Cross service passes later at xx/30, which will have no impact on the Castle Line.

## 6. Competing passenger services:

We would expect to apply the ‘not primarily abstractive’ test to:

- a new open access service which would compete with franchised services and so impact on the public sector funder’s budget;
- 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 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:

Not Applicable

**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.

East Midlands Railway, in partnership with East Midlands Route, has a published performance strategy for the network, which is fully aligned with the industry PIMS framework, and is delivering an

ongoing programme of T-3 improvement focusing on timetable building blocks which has included changes to dwell and sectional running times.

**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.

Not Applicable

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

Yes

**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).

Not Applicable

**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.

EMR's 18th Supplemental Agreement to update changes because of the remapping of EM05 and EM04 Service Groups as part of the PR23 Sch4/8 Recalibration. The drafting is underway and is expected to be submitted informally to the ORR for approval by end of May 2024.

**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.

Not Applicable



Who conducted the consultation?

Network Rail

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

DB Cargo; Freightliner; GB Railfreight; Grand Central; Great Western Railway; LNER; Transpennine Trains; Transport Focus; West Yorkshire Combined Authority; CrossCountry Trains

Other respondents: Lincolnshire County Council; Newark Business Club; Transport for East Midlands;

Correspondence between the applicant and respondents collated in Appendix 1.

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

Not Applicable

**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.

LNER object to the application due to concerns over potential performance and capacity issues arising from the increased traffic over Newark Flat Crossing; LNER have requested a junction capacity assessment for the flat crossing and performance modelling of the proposed services. The outputs of both of these studies have yet to be shared with LNER, and should Network Rail's own concerns over capacity and performance also be fully resolved, it does not believe that ORR should be prevented from approving the application.

Freightliner (FL) object to the application citing the lack of a "clear picture of how [EMR's] aspirations align with those of Freightliner" and the impact of the application on FL's services. FL state that this objection can be removed should the analysis conducted since the ORR's May 20 application deadline indicate that EMR's and FL's aspirations can both be accommodated (alongside capacity for additional freight growth), and Network Rail expects this to be the case.

GB Railfreight (GBRf) object to the application on the grounds that they are not able to adequately assess the application's impact in the context of the other May 20 applications and the ECML ESG timetabling work (unfinished at the time of GBRf's objection). GBRf stated that the application could again be reviewed following the production of an ECML ESG timetable which also accommodates GBRf's aspirations and capacity for additional freight growth. Network Rail does not believe there to be a conflict between this application and GBRf's aspirations.

Grand Central object to the application due to the uncertainty at the time of the consultation over the decision on implementing the ECML ESG. Network Rail expects that Grand Central would now be in a position to remove this objection assuming that the performance modelling carried out by EMR which demonstrates the application's compatibility with the ESG is validated.

Transpennine Trains (TPT) object to the application citing the lack of a "clear picture of how [EMR's] aspirations align with those of TPT" and the impact of the application on TPT's services. TPT state that this objection can be removed should the analysis conducted since the ORR's May 20 application deadline indicate that EMR's and TPT's aspirations can both be accommodated, and Network Rail expects this to be the case.

CrossCountry Trains (XC) object to the application on the basis of a) uncertainty (at the time of the objection) over the decision on the introduction of the ECML ESG timetable, and b) the potential impact on XC services by the extension of EMR's Crewe – Newark Castle services to Lincoln. XC also expressed concern over "how Meir station will be accommodated." Network Rail believes that

XC will be in a position to withdraw their objection once the modelling work produced by EMR has been validated.

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


The original version of the 19<sup>th</sup> Supplemental Agreement did not include amendments to Table 4.1 of Schedule 5 to reflect the corresponding changes to Table 2.1. An amended Table 4.1 has now been incorporated into the Supplemental Agreement.

**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 ...27 December 2024.....

Name (in caps) ...ALEXIS XOUFARIDES.... Job title ...Customer Manager.....

For (company) ...Network Rail.....

## 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]