

30 June 2026

To Network Rail

Access Rights approach: Returning to business as usual and providing longer-term certainty on access rights.

1. As preparation for December 2025 concluded, ORR publicly set out its expectations that Network Rail would return to agreeing long-term access rights where appropriate. It has not been able to do so. Like Network Rail, ORR wishes to support industry in a return to access to the network with more certainty. This letter sets out the way forward for Network Rail and industry which fits within the current legal framework, while recognising some decisions are dependent on unsupported applications which require ORR direction.
2. Network Rail has told us it has a significant number of service proposals for freight and passenger operators where it has not concluded a firm, long-term position. Repeated short-term access decisions contribute to the proportion of access agreed after tickets have gone on sale to passengers. This also creates uncertainty for operators, hinders effective business planning and investment, and increases the risk of decisions being pushed closer to the point at which Great British Railways assumes its access role. This in turn risks disruption to the delivery of planned services and reduces certainty for passengers.
3. On 12 May 2026 Network Rail [published a proposal](#) intended to progress these applications. Our understanding of Network Rail's approach is that it may continue a short-term access process started in 2024, supporting access for only a few timetables. Most importantly, part of the approach seems to extend beyond ORR's powers to respond to amendments/applications under Section 22, which are determined by [the Act](#), by making Network Rail's support conditional on other application outcomes for certain Rights.
4. Section 22 submissions to ORR are to secure approval of an agreed and settled amendment. The legislation envisages that the application proceeds on the basis that the amendment presented to us is final and capable of approval on its own terms. Our considered legal view is that a Section 22 submitted to us with caveats such as 'subject to' is not compliant with the Act.
5. **However**, as Network Rail proposes in its 12 May letter it can use Section 22 submissions to explain to ORR why it has had to request the operator agrees to time-limited, contingent or other clearly defined provisions [for specific rights/services](#) within an amendment/application. Alternatively, Network Rail can work with operators on exactly which rights are dependent on pending decisions on other specific services, setting out interactions clearly (at a train level) and isolating them for separate consideration. To consider these 'isolated'

submissions under Section 22 would require Network Rail to remove any conditionality of support, when the pending cases are determined or the operators could submit them under Section 22A.

6. ORR agrees that wherever progress can be made on the approval of agreed amendments, this must be done in as timely a manner as possible. If Network Rail and operators submit amendments where specific long-term rights are only agreed subject to the outcome of another application, we would be unable to progress the submission under Section 22 and would only be able to reject that amendment.
7. Where ORR receives applications which are dependent on Network Rail providing outstanding evidence and analysis, we will communicate this. We recognise that some interactions relate to open access applications which ORR has not decided.
8. Not receiving comprehensive information from all parties on the first submission to ORR, especially where public sector operators interact, causes delay. ORR has required more comprehensive evidence across the network for it to progress its decision making. This has taken Network Rail experts and operators months. In addition to this, open access operators have provided more evidence and Network Rail has updated its representations requiring further consideration. ORR's consideration must include operator and Network Rail evidence as well as weighing against our statutory [duties](#).
9. Our plan is to conclude a number of interacting passenger applications in the autumn. We would particularly encourage freight to bring forward supported applications as soon as possible. To ensure clarity on these timelines, we will continue to engage with industry and provide updates through ORR's monthly and periodic engagement forums.
10. Finally, industry's preparation for Great British Railways over the next 18 months will depend on robust and timely access decisions being taken across the network. The evidence production and provision for decisions needs to be earlier than current industry practice. Network Rail has a key role to play in supporting a smooth, consistent and transparent transition for all parties.

Yours sincerely

Gareth Clancy