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Network Rail Infrastructure Ltd
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London
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Darren Gay
Track Access Contract Manager
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Dear Rebecca and Darren

Approval of the 67th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Govia Thameslink Railway Limited (GTR) dated 2 March 2016

We have today approved the above supplemental agreement submitted to us formally on 4 April 2025 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. ORR's approval of this application will allow GTR to continue to run its services in the Great Northern Outer area of its network and ensures that GTR can provide continuity of services to its passengers from the Subsidiary Change Date (SCD) in May 2025. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent applications that GTR has submitted in accordance with section 22A of the Act.

Concurrent section 22A application

On 24 April 2024 ORR [wrote to industry](#) to set out a process for access applications for the December 2024, May 2025 and December 2025 timetable changes. In that letter we asked industry to comply with a deadline of 20 May 2024 for applications for additional rights (or amended rights that change capacity parameters) for these timetable changes that met specific criteria. GTR submitted two such applications on 20 May 2024.

In reaching a decision on this supported 67th supplemental agreement, it is important to clarify that:

- ORR has reached its decision in the full knowledge of GTR's concurrent section 22A applications;
- GTR's section 22A applications remain "live" and we continue to try to progress them. However, ORR cannot reach a decision on those applications as Network Rail has not yet completed its analysis. We continue to press Network Rail to complete its analysis as quickly as possible; and
- most importantly, the approval of the 67th supplemental agreement ensures that GTR has approved access rights in the May 2025 timetable.

Purpose of 67th supplemental agreement

The purpose of this agreement is to enable GTR to operate its timetable from SCD 2024. This involves the rollover of contingent rights within service group ET05 (Great Northern Outer) for one timetable period up to the Principal Change Date (PCD) in December 2025. These contingent rights were granted from PCD 2024 as part of the 65th supplemental agreement and are currently due to expire on SCD 2025.

Network Rail noted that it could only agree to the requested additional access rights on the Great Northern Outer lines (service group ET05) until PCD 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond PCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation for one month from 18 February. Comments stating no objection were received from Cross Country, Transport Focus and GWR.

ORR review

Our review of the application raised no operational, performance or economic concerns.

We noted Network Rail's position on the continuation of additional rights beyond PCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for additional service group ET05 rights beyond PCD 2025.



Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A solid black rectangular box used to redact the signature of Louise Beilby.

Louise Beilby