

**Louise Beilby**  
**Senior Access Executive**

Telephone: [REDACTED]

E-mail: [REDACTED]



27 March 2025

Mark Garner  
Customer Manager  
Network Rail Infrastructure Ltd  
George Stephenson House  
Toft Green  
York  
YO1 6JT

Malcolm Knight  
Head of Operational Planning  
London North Eastern Railway Ltd  
West Offices  
Station Rise  
York  
YO1 6GA

Dear Mark and Malcolm

**Approval of the 45th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and London North Eastern Railway Limited (trading as LNER) dated 3 March 2017**

We have today approved the above supplemental agreement submitted to us formally on 27 March 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 means LNER can continue to run its services on the northern part of the East Coast Main Line and ensures that LNER 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 application that LNER 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. LNER submitted such an application on 20 May 2024.

In reaching a decision on this supported 45th supplemental agreement, it is important to clarify that:

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 [orr.gov.uk](http://orr.gov.uk)



- ORR has reached its decision in the full knowledge of LNER's concurrent section 22A application;
- LNER's section 22A application remains "live" and we continue to try to progress it. However, ORR is not currently in a position to reach a decision in relation to that application. Additionally, 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 45th supplemental agreement ensures that LNER has approved access rights in the May 2025 timetable.

### **Purpose of 45th supplemental agreement**

The purpose of the 45th supplemental agreement is to extend the contingent rights necessary to operate a two-hourly service between York and Newcastle, with calling points at Northallerton, Darlington and Durham. These services were put into the contract as part of the 41st supplemental agreement and are currently set to expire on SCD 2025; this application will roll the rights over for a further timetable period so that they expire on the Principal Change Date (PCD) in December 2025.

Additionally, this 45th supplemental agreement extends the conversion of an empty rolling stock movement from Doncaster to York into a passenger service which was put into the contract as part of the 41st supplemental agreement.

Network Rail noted that it could only agree to the requested additional access rights on the East Coast Main Line 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 13 February. Comments in support or raising no objections were received from Cross Country, West Yorkshire Combined Authority, Transport Focus, Great Western Railway, and Northern Trains.

### **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 on the East Coast Main Line 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 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



**Louise Beilby**