

Louise Beilby
Senior Access Executive



10 April 2025

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Dear Erin and Robbie

Approval of the 75th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Transpennine Trains Limited (trading as TransPennine Express) (TPT) dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 10 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 ensure that TPT can continue to run its services across its network and 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 TPT has submitted in accordance with section 22A of the Act.

Concurrent section 22A applications

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. TPT submitted applications accordingly on 20 May.



In reaching a decision on this supported 75th supplemental agreement, it is important to clarify that:

- ORR has reached its decision in the full knowledge of TPT's concurrent section 22A applications;
- TPT'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 75th supplemental agreement ensures that TPT has approved access rights in the May 2025 timetable.

Purpose of 75th supplemental agreement

The purpose of the 75th supplemental agreement is to grant TPT the rights necessary to operate its proposed May 2025 timetable. This involves the extension of a number of contingent rights for services in services groups EA01 (North Transpennine), EA02 (South Transpennine) and EA07 (Anglo-Scottish), which are currently set to expire on SCD 2025, to the Principal Change Date (PCD) in December 2025. These rights were first put in place by the 67th supplemental agreement from PCD 2024.

Network Rail noted that it could only agree to the requested additional access rights until the 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 20 February. Comments stating no objections were received from West Yorkshire Combined Authority, Transport Focus, Northern Trains, and Great Western Railway.

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 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