



Margret Haswell

Access Executive

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Dear [REDACTED]

Approval of the 28th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and GB Railfreight Limited (GBRf) dated 11 December 2016

1. We have today approved the above supplemental agreement submitted to us formally on 10 June 2025 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

2. The purpose of this agreement is to convert 32 contingent rights to firm 1-hour window rights for various intermodal and bulk services across the country.
3. ORR first received informal submission of this application in February 2024, at which time it was supported by Network Rail. In March 2024 Network Rail advised ORR that due to ongoing validation of the East Coast Main Line (ECML) Event Steering Group (ESG) timetable, it was not able to confirm which rights it could support in this application. The application was put on hold, with the agreement of GBRf, at the informal submission stage pending confirmation of the ECML ESG timetable.
4. Network Rail is now confident that these rights can be accommodated, and it is therefore supportive of this application again. The updated informal submission was sent to us on 27 May 2025.

Industry consultation

5. A full Industry consultation was carried out 21 July 2023 to 22 August 2023. A repeated shorter re-consultation was carried out between 16 April 2025 and 2 May 2025 due to the amount of time that has passed since the original application to allow industry a final opportunity to comment. London Travelwatch, West Yorkshire Combined Authority and XC Trains Limited had questions or objections which have all since been satisfactorily closed out.

ORR review

6. These services have been running as contingent rights for several timetable periods, included in the May 2025 timetable and in line with the proposed December 2025 ECML ESG timetable.
7. 10 rights contained within this agreement currently operate over lines subject to a recent Declaration of Congested Infrastructure issued by Network Rail on 14 March 2025, however, we note that the GBRf services running over all the Congested Infrastructure lines have been offered and running in their Working Timetable train slots since 2021/2022 and so are not 'new' or introducing additional constraint.
8. 1-hour windows have been agreed for 29 of the new firm rights. 3 firm access rights with 24-hour windows have been requested by NR, and agreed by GBRf, due to the differing characteristics of these services compared to what was originally submitted or due to changes in characteristics resulting from the May and/or December 2025 timetabling processes. We note that GBRf has agreed to the 24-hour windows but asserts that these services will ultimately require clearly defined arrival and departure times due to limited terminal capacity. We expect Network Rail to work with GBRf to actively monitor and review these 24-hour windows with a view to converting them to 1-hour windows as this becomes viable.

Our duties under section 4 of the Act and our decision

9. In making this decision, we are satisfied that this decision reflects our duties under section 4 of the Act, in particular:
 - (i) to protect the interests of users of railway assets;
 - (ii) to promote the use of railway network in Great Britain for the carriage of passengers and goods and the development of that railway network, to the greatest extent that it considers economically practicable;
 - (iii) to promote efficiency and economy on the part of the persons providing railway services; and
 - (iv) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.



Conformed copy of the track access agreement

10. 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 Freight Operating Company. Please send the conformed copy to me at ORR.

Public register and administration

11. 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

Margret Haswell