

Louise Beilby
Senior Access Executive

4 September 2025

Lysette Rowley
Franchise and Access Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Birmingham
B1 2ND

Kate Oldroyd
Track Access Manager
Northern Trains Limited
George Stephenson House
Toft Green
York
YO1 6JT

Dear Lysette and Kate

**60th Supplemental Agreement to the Track Access Contract between
Network Rail Infrastructure Limited (Network Rail) and Northern Trains
Limited (trading as Northern) dated 1 March 2020**

1. Today, we issued directions under section 22A of the Railways Act 1993 (the Act) to Network Rail and Northern (jointly the parties) to enter into the above supplemental agreement. This letter explains the reasons for our decision. ORR's approval of this application will ensure continuity of service for passengers using Northern's services in the Tyne Tees and Wear areas and throughout the network in Yorkshire and will give the train operator certainty for the purposes of planning its business.

Background

2. On 24 April 2024, ORR wrote to industry setting out a process for access applications for December 2024, May 2025 and December 2025, given our expectation (as confirmed by Network Rail) that we would receive numerous complex and competing applications across that period. Applications were submitted to ORR for direction as "unsupported" applications, as Network Rail was not able to agree that there was sufficient capacity and therefore submit agreed applications for our approval.
3. [DfT wrote to us](#) on 20 June 2025 referring to "the cumulative scale and impacts of abstraction when [ORR] assesses Open Access applications" and asking ORR that this should be "factored into all future decision-making". To ensure that we were able to proceed with decision making for relevant public service operators in light of this, we had to clarify the DfT letter before finalising our decisions.

4. As we were already at an advanced stage in the decision-making process for this and many other applications by this point, [we wrote to DfT](#) stating that we intended to proceed with our established approach to access applications for the East Coast Main Line (ECML) in order to support the major timetable change coming up in December 2025 and to avoid risk to that timetable's implementation. As we did not receive a response by Monday 7 July we have proceeded with decision making in line with our published policy.

Application

5. The purpose of this supplemental agreement, which was submitted on 20 May 2024, is to grant Northern the rights necessary to operate a large number of additional and amended services in the ED01 Tyne Tees and Wear, ED04 West and North Yorkshire Inter Urban, ED06 South and East Yorkshire Inter Urban and ED07 South and East Yorkshire Local service groups. It also entails the relinquishment of some rights that are not required in the timetable. These amendments are intended to implement Northern's services within the ECML Event Steering Group (ESG) timetable, which was originally posited to start from the Subsidiary Change Date (SCD) in May 2025.
6. The rights are to commence upon the Principal Change Date (PCD) in December 2025 and will expire on the expiry date or earlier termination of Northern's track access contract, which is currently PCD 2027.

Industry consultation

7. The initial industry consultation took place from 22 May to 24 June 2024. Industry was then invited to comment on Network Rail's final representations from 1 August to 15 August 2025.
8. In the initial consultation, DB Cargo, GB Railfreight and CrossCountry all stated that they did not yet have enough information about other potential applications in the area and Network Rail's plans to accommodate them, nor about the final details of the ECML ESG timetable, to be able to offer their support.
9. Nexus stated that it had plans to use existing firm rights to uplift service frequency once its new train fleet has been introduced, and it had not seen any output or confirmation from Network Rail that confirmed the ECML ESG timetable could co-exist with these plans. It therefore requested this confirmation to avoid future situations whereby both Northern and Nexus had firm rights that were unable to be accommodated.
10. North Yorkshire Moors Railway noted that there had been changes to the passenger train slots between Battersby and Whitby and wanted to have a discussion about how those may impact on its own firm and contingent rights.
11. Amey had no objections but noted that capacity allocation would be dependent on the outputs of the ECML ESG.
12. West Yorkshire Combined Authority had no objections but stated that it would object if the services could not be safely integrated into the May 2025 timetable, as this could result in poor performance of services on services that cross the Pennines.

13. When industry was invited to comment on Network Rail's final representations from 1-15 August 2025, no further comments were received. We have concluded that the lack of response from industry to the most recent opportunity to comment means that there are no outstanding objections to Northern's application.

Statutory Consultation

14. As required under the Act, on 30 May 2024, we sought Network Rail's representations on the application, and it replied on 28 June 2024. We forwarded these representations to Northern on 3 July 2024 and asked for its comments. Northern provided comments on 22 July 2024.
15. Following the completion of Network Rail's capacity analysis on the ECML and the other interacting locations associated with this application, namely Sheffield, it sent its final representations on 25 July 2025. Again, we forwarded these to Northern and asked for its comments, which it provided on 8 August 2025.

Network Rail's representations

16. In its initial representations dated 28 June 2025, Network Rail stated that it was unable to support the application because it requested firm rights on the ECML and at Sheffield, which were two of the 10 interacting locations identified by Network Rail as containing competing aspirations and subsequently listed by ORR in its letter of 24 April 2024. As a result, there are several other applications which impact on both the ECML as a whole and Sheffield. It stated that to support these rights for the duration of the contract could be perceived as unduly discriminating against other operators.
17. In response to the initial representations, Northern stated that there was uncertainty over when the ECML ESG timetable would be implemented and hoped that Network Rail would continue to work towards finding a solution.
18. In its final representations, Network Rail stated that it was largely supportive of the amendments in the application, as the rights sought were in line with what was expected in the proposed timetable. This was excepting a relatively small number of rights which Network Rail outlined in its representations, where the bid did not match the PCD 2025 timetable and Network Rail was not supportive of what had been requested. In most cases, Northern corrected these discrepancies via three further applications (66th, 67th and 68th supplemental agreements) which have been submitted to ORR separately. With those exceptions, Network Rail supported the amendments on a firm basis to the end of Northern's track access contract.
19. Northern was content with Network Rail's position on the majority of its requests, but it highlighted a small number of concerns. It had requested an additional off-peak firm right between Sheffield and Huddersfield via Barnsley on weekdays and Saturday, and Network Rail's position was that this should be granted for Friday and Saturday only as the rights already held by Northern covered the uplift requested in this application. Northern disagreed with this because it had adjusted its baseline timetable to accommodate Transpennine Route Upgrade (TRU) work and the rights requested in

the 60th supplemental agreement were intended to bring it back to its standard position.

20. Northern also disagreed with four of the entries in Network Rail's representations which were identified as discrepancies that had not been corrected as part of another application, stating that these were all included in the 67th supplemental agreement. On further investigation, two of these four had in fact been included, but the other two had not, which Northern acknowledged. These inaccuracies related to the position of the rights within Table 2.1, but the total quantum of rights is accurate. The parties asked if this could be reflected in the supplemental agreement that ORR directed to avoid the need for another application to correct the two inaccurate entries.
21. Where the content of the 60th supplemental agreement did not match the ECML ESG timetable, Northern has submitted three further applications to correct this in its track access contract. ORR is processing these separately to this application.

ORR review

22. We carried out a full review of the application, taking into account issues that were being considered in relation both to this application and to the competing demands on capacity on the wider network.
23. Access rights are approved or directed on a quantum basis. It is for Network Rail to produce a robust timetable to accommodate them. This application includes services which Network Rail has included in the ECML ESG timetable for December 2025.
24. Since 2019, Network Rail has offered operators only contingent or time-limited rights, providing limited certainty for businesses. The ECML ESG was set up to transparently develop a timetable which considered the service specifications and aspirations of timetable participants for implementation. This process was cross-industry, involving public service, freight and open access operators.
25. For these reasons, in reaching our decision we have placed weight on reducing or ending the uncertainty of this period, in line with our duty of enabling operators to plan their businesses with a reasonable degree of assurance.
26. As referred to in the Network Rail representations, in late 2024, the Secretary of State and Department for Transport (DfT) accepted the recommendation to start the timetable in December 2025. This follows investment by the DfT in rolling stock and infrastructure to enable faster and more frequent services on the ECML. We consider directing the rights in this application supports our duty to have regard to guidance from the Secretary of State in terms of the value for money from public investment as well as the funds available to the Secretary of State.
27. Network Rail expects that implementing the ECML ESG timetable will lead to a limited reduction in train service punctuality. Network Rail is assuring us of the operational and timetable alterations it is leading with industry, to mitigate this reduction. It expects to be able to identify and implement further improvements following the introduction of the timetable.

28. In weighing all of our duties, reviewing the capacity and performance on the ECML and wider network, we consider directing rights which can be used to implement a longer-term baseline timetable, in this case the ECML ESG, is preferable to the alternative. Furthermore, we will continue to hold Network Rail to account to ensure the proposed timetable delivers the expected benefits to passengers, funders and freight operators.
29. Overall, we concurred with Network Rail's assessment. Where it had identified errors and discrepancies, Northern has either demonstrated why these are not errors or has agreed with Network Rail's assessment; we are therefore satisfied that both parties have been thorough in reaching their conclusions. We concluded that we would direct the parties to enter into this supplemental agreement on the basis of what Network Rail is prepared to support.
30. We considered Northern's position on the firm right between Sheffield and Huddersfield via Barnsley and whether this should be granted for all weekdays, as Northern requested, or for Friday only, as Network Rail specified. We concluded that Network Rail's position is based on the quantum within the ECML ESG timetable, whereas Northern is hoping to restore a greater service quantum based on its pre-TRU contract. We therefore support Network Rail's position, but would encourage the parties to work together to restore Northern's weekday services in the future.
31. We also considered the parties' request to amend the two discrepancies that had not already been corrected as part of another supplemental agreement. As these amendments were not significant changes to the quantum of rights requested and they are in line with the ECML ESG timetable, we agreed that this could be done as part of this supplemental agreement.

Our duties under section 4 of the Act and our decision

32. We have considered this supplemental agreement, and we have concluded that its approval is consistent with the discharge of our statutory duties under section 4 duties of the Act: in particular, those relating to:
- enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g));
 - promoting improvements in railway service performance (section 4(1)(zb));
 - protecting the interests of users of railway services (section 4(1)(a));
 - promoting the use of the railway network for the carriage of passengers and goods (section 4(1)(b)); and
 - having regard to the funds available to the Secretary of State (section 4(5)(c)).
33. We have looked very closely at all the evidence submitted from the parties and consultees. We have concluded that we should approve the application in the form set out in this letter and accompanying directions notice.



Conformed copy of the track access contract

34. 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 Northern. ORR's copy should be sent for my attention.

Public register and administration

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

Yours sincerely

Louise Beilby