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By email

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Dear colleague

Track access: expectations of Network Rail and operators for December 2025 and timetables under existing legislation

1. This letter sets out ORR expectations and requirements under the existing legal framework for Network Rail and operators, for track access. By following these requirements industry will be able to better plan the future of their railway businesses and users of the railway will benefit. It also highlights topics of ORR interest we are monitoring or have requested information from Network Rail.

Good practice planning for track access and timetabling

2. The December 2025 timetable will be the largest recast of services for a number of years across the network. ORR has directed most of the applications received in May 2024, using the evidence provided by industry and Network Rail. ORR is currently confident that it will reach a decision on nearly all applications received in May 2024, where it has already received all the necessary evidence (Network Rail representations and operator responses). ORR has already communicated with Network Rail, CrossCountry, Transport for Wales and TransPennine Express about the need for contingency arrangements because the application or evidence was not received by ORR in sufficient time.
3. Considering rights at a detailed level has been important in assessing the consistency of access decisions across the network to understand interactions with other applications and the previous, current and upcoming timetables. We are confident the decisions we have reached are robust and in line with our duties because of our analysis and processes which have ensured transparency for each application.
4. From this point onwards, we consider that most operators and Network Rail regions (with the System Operator) should be returning to the standard processes for access rights. To be clear, we expect Network Rail and operators

to work in a timely fashion to make access applications well in advance of timetable production. Furthermore, we expect Network Rail to identify applications for capacity which it is willing to support and to submit “agreed” applications to ORR for approval.

5. We explained this to Network Rail in September 2025. The System Operator’s Director of Capacity Planning has confirmed that Network Rail plans to identify access to the network for the December 2025 and future timetables it is willing to support. This is something that we will monitor in the coming months.

Alignment between December 2025 and contractual access

6. My understanding is that some operators do not currently have complete alignment between the offered December 2025 timetable and their track access contracts. Passenger operators are required to have rights for services they plan to operate. After each timetable, ORR publishes its [Access Regulatory Information dashboard](#) and associated factsheet, as well as the [Timetable Monitoring factsheet](#). These provide information on the timing of access applications and timetable production (Part D of the Network Code). These analyses are important for the alignment between rights and the timetable. The Access Regulatory Information dashboard also provides a starting point for ORR analysis on use of access rights, and monitoring of alignment with Part J of the Network Code.
7. As explained in my industry briefings during the summer, Network Rail and operators must act in sufficient time to have rights in place for services which are planned. Operators should not expect that long term access decisions can be made a few weeks before the timetable change date. This is because transparency requires relevant industry engagement and ORR must consider this engagement alongside its duties.

Clarity of Network Rail capacity allocation (access and timetabling)

8. While ORR was considering the 2024/5 access applications, Virgin Management Limited appealed to ORR regarding the use capacity on the West Coast Main Line (WCML). [ORR required Network Rail](#) to undertake a rights review meeting, which it completed in July. We asked Network Rail to confirm the outcome of that meeting, and it wrote to First Trenitalia West Coast (Avanti) on 23 September and Virgin Management Limited on 6 October 2025. Following ORR’s recommendation to ensure ‘unused capacity is relinquished in an open, transparent and non-discriminatory manner’ and subsequent conversations, Network Rail has published [the outcome on the Network Rail website](#).

9. ORR considers it needs further information on the existing and future use of the WCML from Network Rail. ORR needs Network Rail to provide further clarity on how it concluded that no further action is required in relation to six of the Avanti rights referred to in its outcome letter. I have written to Network Rail asking it to explain this issue in more detail, specifically how its timetabling and access rights decisions align with its obligations.
10. On a related topic, recent Access Dispute Committee determinations have prompted ORR to request further information from Network Rail regarding its application of processes to fulfil its duties and any improvements it has identified. Of specific interest to ORR is how Network Rail demonstrates a consistent approach to application of analysis and decision criteria, as described in the Network Code. My understanding is that Network Rail has begun work with industry on this, and ORR plans to review and monitor this work.

Future and existing applications and congested infrastructure

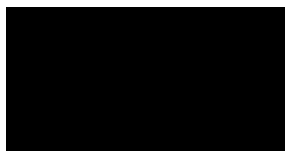
11. Network Rail is required to declare congested infrastructure where 'it is not possible for the infrastructure manager to satisfy requests for infrastructure adequately'. The requirement provides a discipline to consider the existing and future capacity use, and in doing so provides industry and funders transparent information for decision making.
12. During 2025, Network Rail provided capacity and performance analysis, as part of its formal representations for access applications, which supported ORR decision making. These analyses on the WCML and East Coast Main Line (ECML) supported formal declarations of congested infrastructure. It is important that all operators directly address the relevant capacity and performance evidence provided in these analyses, when applying for access in these areas.
13. Network Rail has issued 'Early warnings' of likely congested infrastructure (recognising these do not have a legal status). At present, these do not provide sufficient detail for ORR or industry to assess the implications for decision-making. When making 'Early warnings', Network Rail needs to provide more of an explanation to ORR and industry as to why it considers there may be a need for a declaration. Under legislation (and Network Rail's own 'Code') the timeline for making decisions regarding formal declarations for May 2026 is in November 2025.

Next steps

14. Network Rail to identify where it can support access for December 2025 and future timetables and work with operators to ensure rights are in place in time.
15. Network Rail to explain to ORR how it reached its conclusions in relation to specific Avanti rights, reviewed in 2025, and the implications of its conclusions.

16. Operators must ensure access rights are in place for the December 2025 timetable for services which will operate. All operators need to consider and address published analyses on the WCML and ECML when making applications in those areas.
17. ORR will review and monitor Network Rail's work on the application of decision criteria.
18. This letter will be published on the [ORR website](#). We will review the content of this letter and communicate with industry where necessary following Government policy announcements, or in January 2026.

Yours sincerely



Gareth Clancy