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17 October 2025

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Dear Jules and Graeme

2nd Supplemental Agreement to the Freight Customer Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and Legge Infrastructure Services Limited (LIS) dated 7 July 2023

1. Today, we issued directions under section 22A of the Railways Act 1993 (the Act) to Network Rail and LIS (jointly the parties) to enter into the above supplemental agreement. This letter explains the reasons for our decision.
2. ORR's approval of this application will allow materials to be transported for the construction of Sizewell C, a new nuclear power station in Suffolk, which has been designated as a Nationally Significant Infrastructure Project.

Background

3. 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.
4. [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.

5. 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

6. LIS is an advisor to Sizewell C for the supply of rail borne materials. LIS is a holder of a Freight Customer Track Access Contract and is seeking to secure capacity on the rail network to meet the programme requirements of the project, moving aggregates from various quarries to the construction site, with consequential movements of empty wagons back to the loading sites.

7. The purpose of the 2nd supplemental is to provide LIS with the rights necessary for a Freight Operating Company (FOC) appointed by LIS to operate services between Parkeston and Sizewell C, Wembley and Parkeston and Leicester and Parkeston.

8. The original application was for 12 Firm Access Rights with 1-hour windows and 16 Firm Access Rights with 24-hour windows to commence on approval until the Principal Change Date (PCD) in December 2026.

9. As a holder of a Freight Customer Contract, LIS will not operate the trains associated with the rights sought in this application, instead a FOC will be appointed as a haulier. These access rights will need to be transferred to the haulier via the appropriate Network Code Part J process at the appropriate time.

Industry consultation

10. The initial industry consultation took place from 24 May to 24 June 2024. Industry was then invited to comment on Network Rail's final representations on the applications in August and September 2025.

11. The only response to the industry consultation was from London TravelWatch, which enquired about whether there would be any impact on passenger services. LIS responded advising that it was the holder of a Freight Customer Contract and that a timetable participant will be bidding for timetabled services to supply the construction of Sizewell C power station in accordance with the Network Code. The impact of these rights on other services, including passenger services, has been considered by Network Rail in its representations and ORR in our consideration of this application.

12. In the opportunity to comment, GTS asked about the routing of the Leicester/Wembley – Parkeston services; Network Rail provided these details to GTS. No further comments were received on this case when Network Rail's final representations were shared with industry in May 2025.

Statutory Consultation

13. As required under the Act, on 30 May 2024, we sought Network Rail's representations on the applications, and it replied on 28 June 2024. We forwarded these representations to LIS and asked for its comments. LIS provided comments on 19 July 2024.

14. Following the completion of Network Rail's capacity analysis on the ECML and the other interacting locations associated with this application, it sent its final representations on 14 August 2025. Again, we forwarded these to LIS and asked for its comments, which it provided on 1 September 2025.

Network Rail's representations

15. In its initial representations dated 28 June 2024, Network Rail stated that it was unable to support the application because it requested new and amended firm rights that pass through one of the interacting locations identified by Network Rail as containing competing aspirations and subsequently listed by ORR in its letter of 24 April 2024.

16. The representations highlighted that the application seeks new and amended rights in the case of the East Coast Main Line Event Steering Group (ECML ESG) being implemented on the ECML and that it *"will only be in a position to assess this application post a decision on ECML ESG implementation and ECML Taskforce recommendations as to what Timetable the ECML ESG will be implemented."*

17. In its final representations, Network Rail stated partial support for this application:

- a. Network Rail supports 12 firm access rights with 1-hour windows, as specified in Annex B of its final representations, and with the caveats as listed there. These caveats are that the timings of 4 rights be amended to align with the Working Timetable, and that 2 rights not run on certain specific days where there are identified clashes with test trains.
- b. Network Rail is also willing to support 8 firm access rights with 24-hour windows and as MSX (Tuesday-Friday) rights, rather than SX (Monday-Friday) as applied for, as specified in Annex C of its Final Representations. Network Rail can support these as MSX rights rather than SX as applied for, as that aligns with the paths offered in the December 2025 Working Timetable.
- c. Network Rail supports 4 rights only until the Subsidiary Change Date (SCD) in May 2026, with no presumption of continuity. These rights relate to Leicester – Parkeston/Parkeston - Leicester paths, as these run adjacent to the ECML and through Peterborough station. This is due to these paths being additional to the proposed ECML December 2025 Timetable, and known performance and capacity challenges at Peterborough. Therefore, Network Rail would like to understand the performance impact of this timetable introduction in December 2025, and the services aligned to the rights LIS are seeking, before supporting these rights for a longer period of time.

- d. Network Rail cannot support 8 rights as specified in Annex D of its Final Representations, as the services are not in the proposed December 2025 timetable and the operator has not demonstrated a clear intention and ability to use the capacity.

18. Network Rail noted that some of the proposed services are above and beyond the proposed ECML December 2025 timetable. Network Rail explained in its Final Representations its reasoning for supporting the services in the proposal which are above and beyond the proposed ECML December 2025 timetable:

“All the Rights supported in this application are required to provide material for the construction of Sizewell ‘C’ power station in Suffolk. Sizewell ‘C’ will invest £100M in upgrade of Network Rail assets on the ESK & Sizewell Branches to create the new capacity required for the plan to be delivered without affecting/impacting the existing services on the line. The project needs sufficient rail capacity to supply up to 4 million tonnes of construction materials by rail to comply with the Development Consent Order of what is a nationally important infrastructure project. Sizewell have an agreement with Network Rail to fund additional signalling on the East Suffolk Line; upgrade level crossings and relay track on the Sizewell branch from where there will be a new rail connection to the Sizewell C construction site. The scheme is currently at GRIP 4 with construction works commencing earlier in 2025 ahead of Sizewell material by rail freight trains commencing from January 2026. Some of the paths between Leicester and Parkeston associated with the Rights interact with the ECML at Peterborough albeit joining adjacent to the ECML at Helpston Junction and using the Stamford lines to Peterborough station where they cross under the ECML and onto Anglia route. Due to the reasons given above, and also as these Rights will all be Quantum 24hr windows and that the paths are offered in the December 2025 Working Timetable, Network Rail believes these Rights should be supported, in some form, despite using this key piece of infrastructure and not being in the proposed ECML December 2025 timetable as described above.”

19. Network Rail also advised that paths which align to the rights within this application present conflicts against rights in the Freightliner Heavy Haul (FLHH) 27th, FLHH 28th and Freightliner Limited (FLIM) 26th supplemental. Network Rail has provided its final representations on the FLHH 28th and FLIM 26th (dated 11 April 2025) and the FLHH 27th (dated 15 July 2025). FLHH subsequently withdrew the 28th supplemental. Network Rail is not supportive of the conflicting rights in these applications.

20. LIS responded on 28 August 2025 confirming that it accepts Network Rail’s position as set out in its Final Representations.

ORR review

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. Network Rail has advised that some of “these services would be over and above what is in the proposed ECML December 2025 timetable and therefore could increase the risk to performance” and that “due to the cross-route nature of these rights, this would also increase the chances of transporting delay across the network”. However, for the services most likely to impact performance (Parkeston – Leicester & Leicester – Parkeston), Network Rail has implemented appropriate mitigations, including 24-hour window rights and an end date aligned with the end of the May 2026 Working Timetable. Any extension beyond May 2026 should be supported by actual train running performance data. Where performance issues are identified, we would expect mitigation measures to be proposed to address underperformance. For our decision on these four rights, for the above reasons, our usual strong presumption of the continuity of rights does not apply.

28. Overall we concurred with Network Rail’s assessment regarding capacity and performance, and also noted the representations made regarding the use of the railway network for the carriage of goods necessary for a Nationally Significant Infrastructure Project and have directed the rights in line with Network Rail’s Final Representations, as set out above.

Our duties under section 4 of the Act and our decision

29. 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))
- having regard to the funds available to the Secretary of State (section 4(5)(c))

30. We have looked very closely at all the evidence submitted from the parties and consultees. We have concluded that we should approve the application.

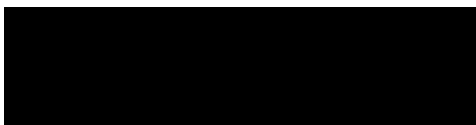
Conformed copy of the track access contract

31. 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 operator. ORR's copy should be sent for my attention.

Public register and administration

32. Electronic 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

A large black rectangular box redacting the signature of David Reed.

David Reed