

Claire Brooks
Access Executive

Telephone [REDACTED]

Email [REDACTED]

19 November 2025

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

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

Dear Lysette and Kate

66th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and Northern Trains Limited (trading as Northern) dated 3 March 2016.

1. Today, we issued directions under section 22A of the Railways Act 1993 (the Act) to Network Rail and Northern Trains Limited (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 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, 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. On 1 November 2024, we wrote to industry to clarify how new/amended demands for rights in the locations identified in our 24 April letter would be managed. Northern subsequently submitted this application under this approach, as it contains rights that go through the interacting locations.



Application

4. The purpose of this supplemental agreement, which was submitted 20 June 2025, is to grant Northern the rights necessary to operate a number of additional and amended services in the ED04 West and North Yorkshire Inter Urban, ED05 West and North Yorkshire Local and ED06 South and East Yorkshire Inter Urban service groups. These amendments are intended to implement some of Northern's services within the East Coast Main Line Event Steering Group (ECML ESG) timetable.
5. We are prepared to grant the majority of rights as firm, and these will commence upon the Principal Change Date (PCD) in December 2025 and expire on the expiry date or earlier termination of Northern's track access contract, which is currently PCD 2027.
6. This is with the exception of the rights which Northern has applied for between Leeds and Lancaster, from Leeds to Morecambe and from Bradford Forster Square to Lancaster. These rights will be granted as contingent. They will commence on the PCD in December 2025 and will expire on PCD in December 2026. Our usual policy of a strong presumption of the continuation of existing rights will not apply for these rights beyond PCD 2026. We explain our reasoning later in this letter.

Industry consultation

7. The industry consultation took place from 24 June until 22 July 2025; comments were received in support from CrossCountry and Great Western Railway who had no objection. Transport Focus had no comments. West Yorkshire Combined Authority was supportive of the application.
8. Also in the initial consultation, LNER was broadly supportive of the application but asked if the contingent rights being converted to firm had taken into account their unused 0.5tph rights. They also raised the congested infrastructure declaration between Doncaster Marshgate and Leeds Copley Hill. Northern replied to LNER that the contingent rights being converted were already running services and had been taken into account when modelling. The congested infrastructure query was deferred to Network Rail who replied to confirm it would not raise any issues. These replies closed out the two queries raised.

Statutory Consultation

9. As required under the Act, on 23 June 2025, we sought Network Rail's representations on the application, and it replied on 11 August 2025. We forwarded these representations to Northern on 11 August 2025 and asked for its comments. Northern provided comments on 26 August 2025.
10. In its representations, Network Rail stated that it was unable to support the application in full because four of the changes did not align with what was expected in the proposed ECML timetable for December. These changes all related to the way some weekday services were categorised as peak or off peak from Morecambe to Leeds and from Leeds to York.

11. Additionally, it would only support some rights as contingent for a 12-month period with no presumption of continuity for services between Leeds and Lancaster, from Leeds to Morecambe, and from Bradford Forster Square to Lancaster. This is because of some performance concerns on the West Coast Main Line north of Preston.
12. Northern responded to Network Rail's representations and acknowledged the slight discrepancy between the peak and off-peak quantum, stating it would work with Network Rail and amend its request for those rights that are supported and noting that this did not affect the overall quantum for these services.
13. Northern did not support Network Rail's position of contingent rights for one year only for the services north of Preston. It stated that whilst it would ideally want firm rights, a compromise solution could be for it to be granted the rights on a contingent basis to the end of its contract (PCD 2027) with a view to convert these to firm in the near future.

ORR review

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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
21. Overall, we broadly concurred with Network Rail's assessment. We concluded that we could direct the parties to enter into this supplemental agreement in line with the rights Network Rail is prepared to support on a firm basis.
22. We also considered Network Rail's position with regard to the services between Leeds and Lancaster, from Leeds to Morecambe, and from Bradford to Lancaster which it was only supportive of on a contingent basis for 12 months. The route north of Preston and towards Carlisle is a two-track railway with significant mixed traffic. Network Rail's representations highlight that capacity on this section of track is very constrained and performance is poor. It noted its intention to set up a WCML North Performance Group to address delivery in this area. We considered this decision in relation to other applications in the same area.
23. We concluded that we concurred with Network Rail's assessment and consider it appropriate to grant these rights on a time-limited contingent basis for one year. This approach provides an opportunity to assess the performance of these services before considering whether to grant longer-term firm rights.

Our duties under section 4 of the Act and our decision

24. 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))
25. 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

26. 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

27. 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

Claire Brooks