

Claire Brooks
Access Executive

27 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

67th 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 the Tyne, Tees and Wear and Yorkshire services, provide a better interval of service on some routes 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. 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 on 20 June 2025, is grant Northern amendments to its track access contract within service groups ED01 Tyne, Tees and Wear, ED04 West and North Yorkshire Inter Urban, ED05 West and North Yorkshire Local, ED06 South and East Yorkshire Inter Urban and ED07 South and East Yorkshire Local. The amendments requested are a mix of firm rights, some relinquishments of rights, changes to origins of services and calling patterns as well as timing loads and are intended to implement some of Northern's services within the East Coast Main Line Event Steering Group (ECML ESG) timetable.
5. 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

6. The industry consultation took place from 24 June until 22 July 2025. Transport Focus, Great Western Railway and CrossCountry stated they had no comments. West Yorkshire Combined Authority was supportive of the application.
7. Both LNER and Nexus raised queries on the application. LNER questioned if the contingent rights would interact with its unused 0.5tph rights. Northern responded that the rights it is seeking to be firm have run for several years and their presence has been taken into account with the modelling. LNER also raised a query on the declaration of congested infrastructure between Doncaster Marshgate and Leeds Copley Hill and asked if this will cause any capacity or performance issues with the proposed firm rights. Again, Northern responded that Network Rail had confirmed this should not impact the declaration as the services have been running for several years.
8. Nexus raised a query regarding additional paths on the Durham Coast. It requested that any additional paths for Northern in this area be offered as contingent only until it is made clear how these are compatible with Nexus' firm rights between Pelaw and South Hylton. Northern responded to confirm that Network Rail is in the process of undertaking work to model Nexus' service alongside all proposals for December 25, and that it was not expecting any issues arising from this.

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 the 26 September 2025. We forwarded these representations to Northern on 26 September 2025 and asked for its comments. Northern provided comments on 3 October 2025.
10. In its representations, Network Rail stated that it was supportive of rights where the access sought is either equal to or lower than those expected for the ECML ESG timetable and those accommodated in the in the December 2025 timetable.



11. Network Rail is not supportive of rights where these do not align. Network Rail is also not supportive of the stop at Redcar British Steel (ED01.1 Bishop Auckland – Saltburn or Hartlepool) and notes that Northern has not bid to call any services there in the upcoming timetable.
12. Northern had no comments to make in respect of rights supported by Network Rail and stated it will make any changes to the peak/off peak services to match those in the timetable.
13. Northern confirmed that the contingent right call at Redcar British Steel was no longer required. Northern will work with Network Rail to bring this stop back into service.

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 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 which Network Rail can support.

Our duties under section 4 of the Act and our decision

22. 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))

23. 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

24. 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 Trains Limited. ORR's copy should be sent for my attention.

Public register and administration

25. 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