

**Claire Brooks**  
**Access Executive**

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19 November 2025

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Kate Oldroyd  
Track Access Manager  
Northern Trains Limited  
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Dear Lysette and Kate

**68th 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 support provision of services for passengers using the Lancashire and Cumbria lines, Merseyrail City lines and Manchester lines 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 although the rights do



not interact with the locations identified in our 24 April letter, at the time of submission there were a number of live unsupported applications which it did interact with.

## **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 ED02 Lancashire and Cumbria, ED08 North Manchester, ED09 Merseyrail City Lines, ED10 South Manchester and ED11 Lancashire and Cumbria Inter Urban. These amendments are a mix of new firm rights, changes to origins of services and timing loads of rail vehicles.
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. The right
6. This is with the exception of the Saturday right from Carlisle and Preston, and the Sunday rights between Chester and Manchester Victoria. The Carlisle to Preston right will be granted as contingent and the Chester <> Manchester Victoria rights will be granted as firm. All of these rights 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 from Transport Focus, West Yorkshire Combined Authority and Great Western Railway who had no comments. CrossCountry raised no objections.

## **Statutory Consultation**

8. As required under the Act, on 23 June 2025, we sought Network Rail's representations on the application, and it replied on 14 August 2025. We forwarded these representations to Northern on the 14 August 2025 and asked for its comments. Northern provided comments on 26 August 2025.
9. In its representations dated 14 August 2025, Network Rail stated that it was unable to support the application in full as requested but could support the majority of the rights being requested as firm until the end of the contract. The rights which it would not support as firm until the end of the contract are a single Saturday right between Carlisle and Preston and Sunday rights between Chester and Manchester Victoria.
10. It stated that the Carlisle to Preston right would only be supported as contingent for a 12-month period due to some performance concerns on the West Coast Main Line north of Preston. On the Chester-Manchester Victoria services, it stated that these are likely to conflict with those applied for by Liverpool and South Wales Railway (LSWR), therefore if ORR were to direct this 68th application before making a decision on the LSWR application, Network Rail would wish to see a footnote added to these firm rights



dating them to expire at the December 2026 timetable change with no presumption of continuity.

11. Northern responded to Network Rail's representations and had no further comments to make on the rights being supported by Network Rail. Regarding the Carlisle to Preston rights, it proposed contingent rights until the end of its track access contract (PCD 2027) with a view to review performance in this area with Network Rail so that it could in future apply for a firm right.
12. On the rights between Chester and Manchester Victoria, Northern did not support the Network Rail approach. It stated that if the rights are only supported for one year then these should be contingent rights, that it did not believe that Network Rail had sufficiently demonstrated its position, and that providing the rights as firm until the end of its contract would provide service continuity and longer-term operational certainty.

### **ORR review**

13. 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.
14. 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.
15. We also considered Network Rail's position with regard to the additional Saturday right between Carlisle and Preston 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.
16. 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.
17. Given we have not yet directed the LSWR application, we also concurred with Network Rail's assessment that the additional Sunday rights between Chester and Manchester Victoria should be directed on a firm basis for a 12-month period.

### **18. Our duties under section 4 of the Act and our decision**

19. 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))

20. 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**

21. 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**

22. 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**