

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A FREIGHT TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity.

Use this form to apply to the Office of Rail and Road (ORR) for:

- Directions under section 17 of *The Railways Act 1993* (the Act) for a new track access contract. This is for companies who want to use Network Rail's network where the parties are not able (for whatever reason) to reach agreement.
- Approval for a new track access contract under section 18 of the Act. This is for use where terms have been agreed by the parties.
- Approval of a proposed amendment to an existing track access contract, agreed by both parties, under section 22 of the Act.
- Directions under section 22A of the Act for an amendment to an existing track access contract. This is for someone seeking an amendment to an existing track access contract to permit more extensive use of the railway facility if the parties are not able, for whatever reason, to reach agreement.

The form sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

Network Rail should normally take responsibility for the pre-application consultation, where the terms are agreed. Before a consultation is made, complete this form up to the end of section 7. You should fill in the rest of the form after the consultation and before applying to ORR.

If, in the case of section 17 and 22A applications, the beneficiary and Network Rail have been unable to agree terms, the beneficiary should:

- (a) ask Network Rail to conduct a pre-application consultation in line with the code of practice; or
- (b) conduct a pre-application consultation itself, in line with the code of practice; or
- (c) submit the application to ORR and ask ORR to conduct the consultation, in which case, please complete this form in full before submitting it to us.

We are happy to talk to you informally before you apply. Please contact us at Track.Access@orr.gov.uk. You should use our current [model freight track access contract](#) as your starting point. Please ensure that you are using the latest version of this form as published on our [website](#). We may ask for applications which have not used the latest templates to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Facility owner:

Network Rail Infrastructure Limited

1.2 Beneficiary Company:

Freightliner Limited

1.3 With which of the regions does this application interact?

Region:	Southern ☒	Eastern ☒	North West & Central ☒	Wales & Western ☒	Scotland's Railway ☐
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1.4 Application under the Railways Act 1993 section:

17 ☐	18 ☐	22 ☐	22A ☒
Supplemental Number:			35 th
Current contract date:			December 2016
Current contract expiry date:			December 2030

1.5 Executive summary of the proposed contract or amendment: (Brief & High Level)

Freightliner Limited (FLL or "the company") wishes to amend its current track access contract to incorporate 34 new firm rights, 2 amended firm rights and 1 relinquishment, supporting both domestic and deep-sea intermodal traffic for numerous customers over the UK network.

The new rights, as shown in the attached Schedule 5 Rights Table (Annex A), are being proposed to facilitate and protect FLL's legitimate business and investments, described above, whilst maintaining a reasonable balance of flex for operational practicability on the whole of the network. No material safety risks have been identified as arising from this application. All the proposed firm rights have corresponding Train Slots in the current May 2026 and subsequent December 2026 Timetables.

The application is simply seeking to obtain Firm Access Rights for services that regularly run on the network to protect traffic.

Proposed commencement date:	As soon as ORR approves
Expiry date:	December 2030 (inline with contract expiry)
Date Approved at SOAR:	
If rights currently running as TOVRs when did they commence?	These paths were all in the WTT in the current May 26 TT.

1.6 Industry consultation:

Who carried out the consultation?	Network Rail
Consultation start date:	Consultation end date:
Not carried out ☐	

1.7 Applicant details

<u>Facility Owner</u> Company: Network Rail Infrastructure Limited Contact name: [redacted] Job title: Customer Relationship Executive Address: Waterloo General Offices, London, SE1 8SW Phone: [redacted] E-mail: [redacted]	<u>Beneficiary</u> Company: Freightliner Limited Contact name: [redacted] Job title: Head of Policy and Government Affairs Address: Freightliner Limited, The Lewis Building, 35 Bull Street, Birmingham, B4 6EQ Phone: [redacted] E-mail: [redacted]
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1.8 Date of application to ORR:

1.9 Checklist of documents attached to the application form:

- Proposed new contract or supplemental agreement ☒
- Marked up Schedule 5 (where applicable) ☒
- Marked up comparison to model contract (where applicable) ☐
- All consultation correspondence ☐
- Supporting evidence such as performance improvement plans or modelling exercises. ☐
- Other supporting documents, side letters or collateral agreements (please list):

N/A

1.10 Confidential redactions: If there is any information you want us to exclude from publication please list it here and provide full reasons for the redactions. Please provide a redacted version of the document(s) that we can publish.

N/A

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or ☒
- have them operated on your behalf. ☐
 - if so, please name the proposed operating company:

2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and** ☒
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006. ☒

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

N/A

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

FLL holds a Track Access Contract (Freight Services), dated 11th December 2016, expiring on the Principal Change Date (PCD) of December 2030.

FLL is seeking new Firm Access Rights to support the operation of intermodal freight services across a number of flows. These rights are necessary to provide a stable and reliable service, meet long-term customer commitments, maintain safe and efficient operations, and contribute to wider sustainability goals by facilitating the movement of freight by rail.

As part of this supplemental, the following is requested:

- 34 new firm rights
- 2 amendments
- 1 relinquishment
-

FLL has continued to work closely with Network Rail to identify and remove a number of surplus rights and paths.

For example:

CMRG

Since August 2025 (when Capacity Planning took over), Freightliner has relinquished 134 paths and converted 41 to QJ through the CMRG process.

Rights Relinquishments

Most recently 17 rights were relinquished as part of the 28th SA (TAC Extension)

3.2 Capacity considerations: Please detail the steps taken by the parties to satisfy themselves that there is sufficient network capacity for the services in the proposal. Include details on all relevant capacity considerations, including but not limited to track and power supply traction. Will the proposed Rights operate over an area subject to a **Declaration of Congested Infrastructure**, or will the capacity requirement result in a Declaration of Congested Infrastructure by Network Rail (under the Network Code)

The access rights sought through this Supplemental Agreement relate to services that already have Working Timetable (WTT) paths in the May 2026 timetable and subsequent December 2026. These paths have been developed with full regard to the relevant Operating Constraints, including the Engineering Access Statement, which provides for infrastructure maintenance possessions, the Timetable Planning Rules, the Working Timetable and associated Sectional Appendices. As such, the proposed services can be accommodated within the capability of the network.

This Supplemental Agreement does not introduce any additional train paths or alter existing capacity allocations. The train paths remain unchanged and continue to operate as currently planned. Instead, the agreement updates the Rights Table to accurately reflect FLL's existing operations, providing greater clarity for timetable planning, project development and strategic network planning, while supporting the continued stability of the train plan.

3.3 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

No safety risks have been identified throughout the consultation process

3.4 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

N/A

3.5 Performance: Are there any implications for overall network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

There are no implications on overall network performance from this supplemental agreement, as the rights proposed by this application all have validated train slots in the current and previous working timetables and have been running with no significant negative performance impact.

The primary metric for assessing performance is FOC on third party delay minutes as this is the best indicator of performance impact. This approach has been agreed with each Route and Region and is defined as follows:

- A train causing over 500 minutes of third delay over the past 13 periods will be deemed to have failed the performance criteria and merit further investigation and queries to the operator. The issue and operator response will be included below.
- However, if the 500+ mins FOC on third party delay was due to a single significant incident, and no further issues have arisen in the past three months, then the train will have met the performance criteria and no further action is required.
- NB: If a train has run less than 50 times in the 13 periods being assessed, the process described above will still apply, but the initial assessment will be based on 250 delay minutes.

While FLL would not necessarily regard these measures as the sole indicator of performance impact, FLL has assessed the proposed rights against Network Rail's agreed methodology. All rights included in this application satisfy the above criteria, as confirmed and validated by FLL's Network Rail Account Team.

FLL continues to work collaboratively with Network Rail on performance initiatives to drive further performance gains, incentivised through our contracts with customers and the regulatory regimes, including Schedule 8.

3.6 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

None

3.7 Terms not agreed with the facility owner (for applications under sections 17 or 22A only):

Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

Analysis Work

Network Rail has undertaken a high-level analysis to assess the interactions between the 34th Supplemental Agreement (parallel S22 application) and other live S17/S22A and S18/S22 applications. However, Freightliner has been advised that Network Rail would be unable to support additional rights where they interact with geographies associated with any of these applications currently under consideration, and that a detailed deconfliction exercise would be both necessary and time-consuming.

Freightliner is not confident that the high-level assessment provides a sufficient evidence base to demonstrate that the rights sought cannot be accommodated. The analysis focuses primarily on geographic overlap and does not consider operational factors such as the time of day, the use of relief lines versus main lines, and other timetable-based considerations. Freightliner therefore

believes that the assessment undertaken by Network Rail is unlikely to identify any material timetabling conflicts between the applications.

Freightliner has also been advised by Network Rail that progressing these rights through a Section 22A application would trigger a more detailed level of capacity testing and deconfliction analysis than has been undertaken to date. It is Freightliner's understanding that a similar approach was adopted for the most recent GBRf 45th Supplemental Agreement Section 22A application, which ultimately enabled a number of rights to progress as a Section 22.

North of Oxford – LXs

Freightliner does not agree with Network Rail's position regarding the sale of access rights over the level crossings north of Oxford.

Network Rail's Representations for Competing and Complex Applications (2024) stated that it is unable to support the sale of further access rights across Sandy Lane, Yarnton Lane and Tackley level crossings above the quantum modelled in December 2019. Network Rail's justification is that, if all existing access rights and any additional rights were exercised simultaneously, an unacceptably high number of services could operate north of Oxford LXs.

Because of this, Western Route is unable to support 4E65 (SX) and 4E91 (MO) unless Freightliner relinquishes two existing firm rights. In practice, this approach effectively results in a "one in, one out" arrangement for access rights. Freightliner does not consider this to be an appropriate or proportionate basis on which to assess the application. The approach does not take account the timing of services throughout the day, nor has Freightliner seen evidence demonstrating the actual impact on barrier down time associated with the rights being sought.

Furthermore, the services subject to this application already exist within the current Working Timetable (WTT) and the Dec '26 WTT and therefore do not represent an increase in the overall quantum of train services operating across the affected level crossings. As such, Freightliner does not consider that the application gives rise to any additional level crossing risk or operational impact beyond that which is already accommodated on the network.

GTS Uplift

Freightliner does not agree with Network Rail only willing to approve four Rights as contingent (4L30 (SX), 4L33 (SX), 4O50 (SO) and 4O71 (SX)) until May 28. Network Rail has advised that this is to provide flexibility for potential GTS aspiration to operate additional services between Paddington and Heathrow from May 28.

The affected freight paths are currently operating, are performing well (as validated by Network Rail), and have been out for internal consultation since early 2026. In contrast, the proposed GTS service uplift remains an aspiration at this stage, with no rights application submitted. Freightliner therefore does not consider it reasonable for established and operational freight paths to be contingent in order to accommodate a speculative future proposal.

Western ATT has advised they are not prepared to endorse 4L33 and 4O71 until the 2028 WTT process is complete and has proposed a four-hour operating window as a potential solution. Freightliner notes that sufficient operational flexibility would still be available within the proposed one-hour window and would continue to work collaboratively with Network Rail to facilitate efficient network operation where required.

Finally, Freightliner believes this could be in breach of the Crossrail Bill Register of Undertakings and Assurances which affords protection to freight paths between Acton and Reading: "[the Bill] should not have an overall negative impact on the capability of the existing rail network to handle the current and forecast growth in rail freight traffic to 2015". In short maintaining the level of freight

growth from 2015 onwards. The services in this application are within the level of freight capacity envisaged and safeguarded for rail freight growth under the Crossrail Bill commitments.

3.8 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

☐

No

☒

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

N/A

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

N/A

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

N/A

3.9 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

N/A

4. The expression of access rights

4.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

A marked-up Rights Table (Annex A) is provided showing the Firm Access Rights that are sought.

4.2 Firm rights: Do the Firm Rights in the proposed contract relate to service freight haulage contracts which you hold or will hold? If so, how? How does the duration of these haulage contracts compare with the duration of the proposed track access contract?

FLL holds multi-year contracts covering all traffic included in this supplemental agreement. The proposed access rights, with 60-minute windows, are required to support the freight flows operating across the UK under these long-term contracts. These services depend on clearly defined arrival and departure times to ensure efficient integration with terminal/port operations at both ends of each route.

4.3 Contingent Rights: Please set out the extent to which you expect to use the Contingent Rights in the application. In particular, please state whether the proposed rights are seasonal (eg 3 months each year) or occasional (eg MO, SX, etc)..

N/A

4.4 Window size: Please set out the reasons for the origin and destination window sizes used in the Rights Table in Schedule 5.

The one-hour windows requested for the new Firm Rights are consistent with the ORR Directions Letter of 29 February 2016. They provide sufficient flexibility for FLL to manage and optimise network access efficiently, while also supporting a stable train plan from one timetable period to the next.

The proposed rights are needed to support a range of UK-wide freight services operated under long-term customer contracts. These services rely on clearly defined arrival and departure times to align with fixed terminal/port operating requirements at both origin and destination, ensuring reliable and efficient service delivery.

4.5 Long Term Planning Process: Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

N/A

5. Incentives

5.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance.

This application is consistent with all established Route Studies on the UK Rail network

5.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance.

Freightliner continues to work collaboratively with Network Rail to identify and deliver opportunities for performance improvement across the network. This includes regular engagement to share performance insights, lessons learned and best practice, ensuring a coordinated approach to addressing performance challenges and improving operational outcomes. Recent examples include collaborative work on trespass-related performance impacts and joint performance review activity at key locations, including Leeds.

Freightliner remains committed to strengthening its performance management capability through the enhanced use of data and analytics. The business continues to utilise Power BI to identify trends, understand recurring causes of delay and support informed decision-making. Further development of these reporting tools is underway to provide more tailored performance analysis, enabling targeted interventions and supporting the delivery of performance improvement initiatives.

A key focus for Freightliner is ensuring excellence in operational fundamentals through the delivery of consistent processes, accurate performance reporting and close collaboration with Network Rail and terminal operators. Current joint working is focused on improving the consistency and accuracy of train arrival and departure reporting, helping to enhance data quality, strengthen performance accountability and support more effective operational decision-making.

Freightliner also continues to participate in industry-led initiatives aimed at improving operational performance and network resilience, including collaborative programmes delivered with Network Rail and wider rail industry partners. These initiatives have included technology and fleet-related improvements designed to enhance reliability, support safer operations and reduce performance risk.

Alongside these activities, Freightliner continues to invest in the reliability and resilience of its fleet and operations. This includes ongoing locomotive and wagon reliability improvement programmes, as well as seasonal preparedness activities such as winterisation and hot-weather resilience measures. Through a combination of operational discipline, data-led decision-making, collaborative working and targeted investment, Freightliner remains focused on delivering sustainable performance improvements for customers and the wider rail network.

5.3 Restrictions of use: set out and explain the reasons for any changes from the Restrictions of Use regime in the model freight track access contract (Schedule 4)

There are no changes to the Restriction of Use regime.

6. Enhancement

6.1 Enhancement details: Please provide details of any relevant enhancement schemes. Where the proposal delivers part of, or the associated services are subject to, a network enhancement, please summarise the outputs and timescales of the scheme and explain the extent to which the Part G Network Change procedure has been completed.

There are no network enhancements associated with this application nor are any of the proposed services subject to network enhancements.

6.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

N/A

7. Associated access contracts

7.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other previous, current or forthcoming applications to ORR (e.g. in respect of track access, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide details.

FLL's 34th Supplemental is also in progress, which is the s22 version of this application.

7.2 Unregulated access: please comment on whether any contracts are being negotiated for access to a facility adjoining Network Rail's network (e.g. to a freight light maintenance depot), including where

ORR's approval is not required. For more information, see [The Railways \(Class and Miscellaneous Exemptions\) Order 1994](#). (This is relevant in the context of clause 6.4 of the model contract.)

N/A

8. Pre-application consultation

8.1 The consultation:

If consultation has not been carried out, explain why not.

N/A

If a consultation has been carried out please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.
- If the consultation was concluded some time ago, please explain why you consider it is still valid.
- have there been any material changes since consultation that could affect the validity of the responses received?
- please list any information that you have redacted from any documentation sent to consultees and the reasons for the redactions.

8.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

8.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application. Include details of steps taken to resolve the dispute such as meetings or counter offers and provide copies of correspondence where available.

9 Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

In the case of agreed applications under section 18 or 22, the facility owner should fill in the information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date.....
Name (in caps) Job title
For (company)

For section 18/22 applications, please provide a letter of support from the beneficiary or ask them to sign here:

Signed Date.....
Name (in caps) Job title
For (company)

10. Submission

10.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

10.2 Where to send it:

Freight Track Access Manager Email: track.access@orr.gov.uk