



APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER 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. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It 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.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). 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 version 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 Beneficiary company name:

Northern Trains Limited

1.2 Facility owner details:

Network Rail:	<input type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input checked="" type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

1.3 Application under the Railways Act 1993 section:

17 <input type="checkbox"/>	18 <input type="checkbox"/>	22 <input type="checkbox"/>	22A <input checked="" type="checkbox"/>
Supplemental Number:			60th
Current contract date:			03 rd March 2016
Current contract expiry date:			PCD 2025 (55 th SA seeks to extend this to 2027)

1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	01 st March 2020
	Public service contract end date:	PCD 2025 (PCD 2027 under 55 th SA)
	Name of funder (e.g. DfT, Local Authority):	
	Does the funder support this application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Open Access <input type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:

The 60th Supplemental Agreement covers the required changes to Schedule 5 to deliver the East Coast Mainline Timetable rewrite (ECML ESG) in May 25. As a result of this there are wholesale changes to multiple service groups, in particular ED01 Tyne, Tees and Wear, ED04 West and North Yorkshire Inter Urban and ED06 South and East Yorkshire Inter Urban.

Following the deferral of the ESG from Dec 24 and subsequent letter to industry from the ORR requesting that operators apply for any known changes for the next 3 timetable cycles by the 20th May, this 60th SA contains the majority of the original ESG scope that NTL anticipates will take effect from the May 25 timetable change. There are some elements that are contained within other SA. This includes the conversion of long held contingent rights to firm in areas where the ESG had no material impact on the structure of that service group (see 57th SA for Dec 24) and an application for a Leeds <-> Sheffield (semi fast) service to start in May 25 alongside the implementation of an ESG timetable (see 59th SA).

Network Rail do not currently support this application (nor the aforementioned 57th and 59th SAs) as there is insufficient time to properly assess the application prior to the deadline set out by the ORR letter.

Proposed commencement date:	SCD 2025
End date:	PCD 2025 (PCD 2027 if 55 th SA is approved)
Date approval or directions wanted by:	

1.6 Industry consultation:

Who carried out the consultation?			
Consultation start date:		Consultation end date:	
Not carried out <input type="checkbox"/>			

1.7 Applicant details

<p><u>Facility Owner</u> Company: Network Rail Infrastructure Limited (NR) Contact name: Lysette Rowley Job title: Franchise & Access Manager Address: Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND</p> <p>Phone: [REDACTED] E-mail: [REDACTED]</p>	<p><u>Beneficiary</u> Company: Northern Trains Limited (NTL) Contact name: Kate Oldroyd Job title: Track Access Manager Address: George Stephenson House, Toft Green, York YO1 6JT</p> <p>Phone: [REDACTED] E-mail: [REDACTED]</p>
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1.7 Date of application to ORR: TBC

1.8 Checklist of documents attached to the application form:

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):

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.

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).

As part of the May 25 ESG Timetable rewrite, Northern is making multiple changes to access rights across several services groups on Eastern Region. These changes are bid as per the outputs of the ESG work. This includes relinquishing rights, applying for new rights and amending the origin and destination of existing service groups. Notably, wholesale structural changes have been made to ED01 Tyne, Tees and Wear, to reflect the changes in service linkages in the region, in particular in the Newcastle area. Attached to this application is a written overview of the changes being made as part of the May 25 application.

ED01 Tyne, Tees and Wear

Teesside area

- +1 Firm SX AM Peak right between Darlington and Saltburn
- +2 Firm SX Off Peak rights between Darlington and Saltburn
- +3 Firm SO rights between Darlington and Saltburn
- +2 Firm SX Off Peak rights between Saltburn and Darlington
- +2 Firm SO rights between Saltburn and Darlington

- 1 Firm SuO right between Darlington and Middlesbrough

- 2 Firm SX Off Peak rights between Middlesbrough and Saltburn
- 2 Firm SO rights between Middlesbrough and Saltburn
- 1 Firm SuO right between Middlesbrough and Saltburn
- 1 Firm Off Peak SX right between Saltburn and Middlesbrough
- 1 Firm SO right between Saltburn and Middlesbrough
- 1 Firm SuO right between Saltburn and Middlesbrough

- 1 Firm SX AM Peak right between Darlington and Nunthorpe
- 1 Firm SO right between Darlington and Nunthorpe

- 1 Firm SX Off Peak right between Middlesbrough and Bishop Auckland
- 1 Firm SO right between Middlesbrough and Bishop Auckland
- 2 Firm SuO rights between Middlesbrough and Bishop Auckland

- +1 Firm SuO right between Middlesbrough and Darlington

- 1 Firm SX AM Peak right between Darlington and Whitby
- 1 Firm SO right between Darlington and Whitby
- +1 Firm SuO right between Whitby and Darlington

- +1 Firm SX PM Peak right between Middlesbrough and Whitby
- +2 Firm SX Off Peak rights between Middlesbrough and Whitby
- +3 Firm SO rights between Middlesbrough and Whitby
- +3 Firm SuO rights between Middlesbrough and Whitby
- 1 Firm SX AM Peak right between Whitby and Middlesbrough
- +1 Firm SX Off Peak right between Whitby and Middlesbrough
- +1 Firm SuO right between Whitby and Middlesbrough

- +1 Firm SX AM Peak right between Nunthorpe and Middlesbrough
- +1 Firm SO right between Nunthorpe and Middlesbrough
- +8 Firm SuO rights between Nunthorpe and Middlesbrough
- +1 Firm SX Off Peak right between Middlesbrough and Nunthorpe
- +1 Firm SO right between Middlesbrough and Nunthorpe
- +8 Firm SuO rights between Middlesbrough and Nunthorpe

- 1 Firm SX Off Peak right between Newcastle and Whitby
- 1 Firm SO right between Newcastle and Whitby
- 1 Firm SuO right between Newcastle and Whitby

- +1 Firm SO right between Darlington and Bishop Auckland

+1 Firm SuO right between Darlington and Bishop Auckland

Conversion of previously held contingent rights between Bishop Auckland and Saltburn (and vice versa) to firm in line with ECML policy:

+2 Firm SX AM Peak rights between Bishop Auckland and Saltburn

+4 Firm SX PM Peak rights between Bishop Auckland and Saltburn

+9 Firm SX Off Peak rights between Bishop Auckland and Saltburn

+15 Firm SO right between Bishop Auckland and Saltburn

+13 firm SuO rights between Bishop Auckland and Saltburn

+2 Firm AM Peak rights between Saltburn and Bishop Auckland

+4 Firm PM Peak rights between Saltburn and Bishop Auckland

+8 Firm Off Peak rights between Saltburn and Bishop Auckland

+14 Firm SO rights between Saltburn and Bishop Auckland

+10 Firm SuO rights between Saltburn and Bishop Auckland

In addition to the conversion of existing contingent rights, NTL are also seeking a small number of additional rights between Bishop Auckland and Saltburn:

+1 Firm SX AM Peak right between Bishop Auckland and Saltburn

+1 Firm SO right between Bishop Auckland and Saltburn

+1 Firm SuO right between Bishop Auckland and Saltburn

+1 Firm SuO right between Saltburn and Bishop Auckland

Newcastle Area

+4 Firm SX AM Peak rights between Carlisle and Newcastle

+8 Firm SX Off Peak rights between Carlisle and Newcastle

+11 Firm SO rights between Carlisle and Newcastle

+11 Firm SuO rights between Carlisle and Newcastle

+1 Firm SX AM Peak right between Carlisle and Middlesbrough

+2 Firm SX PM Peak rights between Carlisle and Middlesbrough

+8 Firm SX Off Peak rights between Carlisle and Middlesbrough

+11 Firm SO rights between Carlisle and Middlesbrough

-5 Firm SuO rights between Carlisle and Middlesbrough

+2 Firm SX PM Peak rights between Newcastle and Carlisle

+10 Firm SX Off Peak rights between Newcastle and Carlisle

+11 Firm SO rights between Newcastle and Carlisle

+13 Firm SuO rights between Newcastle and Carlisle

+3 Firm SX AM Peak rights between Middlesbrough and Carlisle

+4 Firm SX PM Peak rights between Middlesbrough and Carlisle

+6 Firm SX Off Peak rights between Middlesbrough and Carlisle

+13 Firm SO rights between Middlesbrough and Carlisle

-4 Firm SuO rights between Middlesbrough and Carlisle

-1 Firm SX AM Peak right between Carlisle and Morpeth

+1 Firm SX PM Peak right between Carlisle and Morpeth

-9 Firm SX Off Peak rights between Carlisle and Morpeth

-9 Firm SO rights between Carlisle and Morpeth

-1 Firm SX AM Peak right between Morpeth and Carlisle

-4 Firm SX PM Peak rights between Morpeth and Carlisle

-7 Firm SX Off Peak rights between Morpeth and Carlisle

-11 Firm SO rights between Morpeth and Carlisle

-1 Firm SX AM Peak right between Chathill and Carlisle

-1 Firm SX Off Peak right between Chathill and Carlisle

- 1 Firm SO right between Chathill and Carlisle
- 1 Firm SX PM Peak right between Carlisle and Chathill
- 1 Firm SO right between Carlisle and Chathill

- +1 Firm SX AM Peak right between Chathill and Newcastle
- +1 Firm SX Off Peak right between Chathill and Newcastle
- +1 Firm SO right between Chathill and Newcastle
- +1 Firm SX PM Peak right between Newcastle and Chathill
- +1 Firm SO right between Newcastle and Chathill

- +8 Firm SX Off Peak rights between Hexham and Newcastle
- +9 Firm SO rights between Hexham and Newcastle
- +2 Firm SX PM Peak rights between Newcastle and Hexham
- +9 Firm SX Off Peak rights between Newcastle and Hexham
- +11 Firm SO rights between Newcastle and Hexham

- 1 Firm SO right between Morpeth and Hexham

- +3 Firm SX Off Peak rights between Newcastle and MetroCentre
- +3 Firm SO rights between Newcastle and MetroCentre
- 3 Firm SuO rights between Newcastle and MetroCentre
- +2 Firm SX Off Peak rights between MetroCentre and Newcastle
- +2 Firm SO rights between MetroCentre and Newcastle
- 3 Firm SuO rights between MetroCentre and Newcastle

- 1 Firm SX PM Peak right between MetroCentre and Stockton
- 1 Firm SO right between MetroCentre and Stockton

- 4 Firm SuO rights between Middlesbrough and Carlisle
- 1 Firm SX AM Peak right between Saltburn and Carlisle
- 1 Firm SO right between Saltburn and Carlisle

- 1 Firm SX AM Peak right between Middlesbrough and Newcastle (via ECML)
- 2 Firm SO rights between Middlesbrough and Newcastle (via ECML)
- 2 Firm SuO rights between Middlesbrough and Newcastle (via ECML)
- 1 Firm SX Off Peak right between Newcastle and Middlesbrough (via ECML)
- 1 Firm SO right between Newcastle and Middlesbrough (via ECML)

- +1 Firm SX AM Peak right between Darlington and Newcastle (via ECML)
- +1 Firm SO right between Darlington and Newcastle (via ECML)
- +1 Firm SuO right between Darlington and Newcastle (via ECML)

- Swap of 1 right from PM peak to AM peak and change in destination from Hexham to Newcastle for entry titled Whitby to Hexham.

- 1 Firm SX Off Peak right between Battersby and MetroCentre

- 1 Firm SX AM Peak right between Hartlepool and Hexham
- 1 Firm SO right between Hartlepool and Hexham

- 1 Firm SX PM Peak right between Battersby and Hexham
- 1 Firm SO right between Battersby and Hexham
- 1 Firm SX PM Peak right between Hexham and Battersby
- 1 Firm SX Off Peak right between Hexham and Battersby
- 2 Firm SO rights between Hexham and Battersby

- 2 Firm Off Peak rights between Hexham and Middlesbrough
- 2 Firm SO rights between Hexham and Middlesbrough

- +1 Firm SX AM Peak right between Hexham and Nunthorpe

- 2 Firm SX PM Peak rights between Hexham and Nunthorpe
- 3 Firm SX Off Peak rights between Hexham and Nunthorpe
- 4 Firm SO rights between Hexham and Nunthorpe

- 1 Firm SX PM Peak between Hexham and Whitby
- 1 Firm SX Off Peak between Hexham and Whitby
- 2 Firm SO rights between Hexham and Whitby

- 1 Firm SO rights between Battersby and Prudhoe

- 1 Firm SX PM Peak right between Middlesbrough and Hexham
- 2 Firm SX Off Peak rights between Middlesbrough and Hexham
- 2 Firm SO rights between Middlesbrough and Hexham

- +1 Firm SX AM Peak right between Middlesbrough and Newcastle
- +6 Firm SX Off Peak rights between Middlesbrough and Newcastle
- +6 Firm SO rights between Middlesbrough and Newcastle
- +13 Firm SuO rights between Middlesbrough and Newcastle
- +2 Firm SX PM Peak rights between Newcastle and Middlesbrough
- +4 Firm SX Off Peak rights between Newcastle and Middlesbrough
- +6 Firm SO rights between Newcastle and Middlesbrough
- +14 Firm SuO rights between Newcastle and Middlesbrough

- +3 Firm SX PM Peak rights between Newcastle and Nunthorpe
- +6 Firm SX Off Peak rights between Newcastle and Nunthorpe
- +10 Firm SO rights between Newcastle and Nunthorpe
- 2 Firm SuO rights between Newcastle and Nunthorpe

- 1 Firm SX AM Peak right between Nunthorpe and Hexham
- 1 Firm SX PM Peak right between Nunthorpe and Hexham
- 4 Firm SX Off Peak rights between Nunthorpe and Hexham
- 5 Firm SO rights between Nunthorpe and Hexham

- 1 Firm SX PM right between Nunthorpe and MetroCentre
- 2 Firm SX Off Peak rights between Nunthorpe and MetroCentre
- 3 Firm SO rights between Nunthorpe and MetroCentre

- 8 Firm SuO rights between Nunthorpe and Carlisle
- 2 Firm SX AM Peak rights between Carlisle and Nunthorpe
- 2 Firm SO rights between Carlisle and Nunthorpe
- 6 Firm SuO rights between Carlisle and Nunthorpe

- 2 Firm SuO rights between Carlisle and Whitby
- 2 Firm SuO rights between Whitby and Carlisle

- 1 Firm SX AM Peak right between Saltburn and Carlisle
- 1 Firm SO right between Saltburn and Carlisle
- +1 Firm SuO right between Carlisle and Saltburn

- 1 Firm SX AM Peak right between Hexham and Saltburn
- 1 Firm SO right between Hexham and Saltburn

- 1 Firm SuO right between MetroCentre and Saltburn

- 1 Firm SX AM Peak right between Saltburn and Nunthorpe
- 1 Firm SO right between Saltburn and Nunthorpe

- Deletion of a duplicate entry between Carlisle and Hartlepool

- +13 Firm SuO rights between Ashington and MetroCentre**

+13 Firm SuO rights between MetroCentre and Ashington

-13 Firm SuO rights between Newcastle and Ashington

-13 Firm SuO rights between Ashington and Newcastle

Uplift in rights only between Newcastle and MetroCentre. Quantum between Newcastle and Ashington unchanged)

+3 Firm SX PM Peak rights between Newcastle and Morpeth

+12 Firm SX Off Peak rights between Newcastle and Morpeth

+15 Firm SO rights between Newcastle and Morpeth

+14 Firm SuO rights between Newcastle and Morpeth

+2 Firm SX AM Peak rights between Morpeth and Newcastle

+14 Firm SX Off Peak rights between Morpeth and Newcastle

+16 Firm SO rights between Morpeth and Newcastle

+14 Firm SuO rights between Morpeth and Newcastle

As part of the Dec 24 ESG TT the SuO service between Newcastle<>Morpeth becomes hourly. NTL currently holds some contingent SuO rights for this service group. The above represents the conversion of these currently held contingent rights to firm as well as +6 additional firm SuO rights in the Morpeth direction and +6 additional firm SuO rights in the Newcastle direction.

ED04 West and North Yorkshire Inter Urban

Harrogate Line amendments: No change in quantum of paths into and out Leeds on Sundays, but there have been slight amendments to the origin/destination of services:

-2 Firm SuO rights between Harrogate and Leeds

-1 Firm SuO right between Knaresborough and Leeds

-1 Firm SuO right between Leeds and Knaresborough

+1 Firm SuO right between Leeds and York

+3 Firm SuO rights between York and Leeds

Additional AM Peak path between Harrogate and Leeds:

+1 Firm SX AM Peak right between Harrogate and Leeds

+1 Firm SO right between Harrogate and Leeds

ED06 South and East Yorkshire Inter Urban

Some minor linkage changes have occurred in the Hull area particularly on Sundays where some standalone Hull <> Scarborough and Hull <> Sheffield services have been linked to create a through service. There is some minor genuine uplift on Sundays to give earlier/later services in line with the ESG timetable.

Removal of distinction between Winter and Summer Sunday rights between Hull and Scarborough to reflect that the Summer Sunday quantum of 2 services now runs all year round.

+1 Firm SuO Right between Beverley and Hull

-3 Firm SuO rights between Scarborough and Hull

+1 Firm SuO right between Doncaster and Hull

+1 Firm SuO right between Hull and Doncaster

-1 Firm SuO right between Sheffield and Hull

+1 Firm right between Sheffield and Beverley (using the above Sheffield to Hull path but extended through to Beverley. The additional right between Beverley and Hull on SuO is formed from this service)

-2 Firm SuO right between Hull and Sheffield

+3 Firm SuO rights between Scarborough and Sheffield

NTL have joined 2 standalone services EWD together to form 2 through Doncaster to Hull stopping services:

+2 Firm SX Off Peak rights between Doncaster and Hull

+2 Firm SO rights between Doncaster and Hull

-2 Firm Off Peak SX rights between Doncaster and Goole

-2 Firm SO rights between Doncaster and Goole

-2 Firm SX Off Peak rights between Goole and Hull

-2 Firm SO rights between Goole and Hull

Added additional routing description into the section between Bridlington/Hull <-> York/Selby to make the tables clearer.

Some minor changes to routing of trains between ECML and Sherburn in Elmet on Sundays.

- 1 Firm SuO rights between Hull and York via ECML
- 2 Firm SuO rights between York and Hull via ECML
- +2 Firm SuO rights between Hull and York via Sherburn in Elmet
- +2 Firm SuO rights between York and Hull via Sherburn in Elmet

+1 Firm SX Off Peak right between York and Bridlington via Sherburn in Elmet

+1 Firm SO right between York and Bridlington via Sherburn in Elmet

+1 Firm SX Off Peak right between Bridlington and York via Sherburn in Elmet

- 1 Contingent SuO right between York and Hull via ECML

ED07 South and East Yorkshire Local

+1 Firm SX Off Peak right between Sheffield and Huddersfield – right previously relinquished but now required.

+1 Firm SO rights between Sheffield and Huddersfield

3.2 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).

N/A

3.3 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

3.4 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.

N/A

3.5 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

3.6 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.

NTL's 55th SA is currently out for external consultation which seeks to extend the contract expiry date by 2 years to 2027.

4. The impacts of the proposal

4.1 Benefits: please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

As part of the ECML ESG timetable rewrite some cross Newcastle services have been split in order to both help improve train performance and position the services to provide a better interval of service.

4.2 Capacity: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

The 60th SA contains changes which are consistent with the ESG timetable outputs. The ESG work has been capacity modelled and as well as delivering an output timetable to demonstrate the use of capacity.

4.3 Performance: What is the impact on 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.

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

The ESG timetable has implications for the timings of first and last services. NTL has worked with Network Rail through the Engineering Access Statement process to facilitate the necessary easements to Section 4 times to enable earlier and later services to operate.

5. The expression of access rights

5.1 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.

Full details are shown in section 3.1 as well as the marked up Schedule 5 tables appended to this application.

5.2 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

All paths are subject to the usual flexing by Network Rail System Operator as part of the Dec 24 timetable validation process.

5.3 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

N/A

5.4 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

5.5 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

5.6 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.

The changes contained within this 60th SA are in line with the outputs from the ESG work.

6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;

- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

6.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

6.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

7. Incentives

7.1 Train operator performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

7.2 Facility owner performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

N/A

7.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

All services are subject to the usual industry performance monitoring.

7.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

N/A

8. Enhancement

8.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

N/A

8.2 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

9. Other

9.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, 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 evidence that this process has been completed.

This application should be read in conjunction with the 59th SA which contains the required changes to implement a new service between Leeds and Sheffield. The 59th SA is dependent on the ESG timetable being delivered in May 25 or another specified time.

9.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

N/A

9.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

N/A

10. Pre-application consultation

10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

Who conducted the consultation?

Network Rail on behalf of Northern

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

Responses received supporting the application:
 Amey Infrastructure Wales
 WYCA
 NYMR – it should be noted that NYMR wanted to ensure that the proposed changes on the Esk Valley still worked with the firm and contingent rights held by NYMR. In the ECML ESG timetable work the proposed changes still ensured that NYMR's rights were accommodated. Northern believe some internal Network Rail correspondence took place over NYMR's response but Northern have not been sighted on this.

Responses received that required further information:
 Nexus – Nexus requested that Network Rail confirm that any ECML ESG work takes into account their rights to uplift from 5 trains per hour to 6 trains per hour. Northern have not seen if Network Rail have responded on this or not.

Responses that objected to the application:
 DB Cargo, GBRF and XC all stated that they could not support the application as the application relates to delivering the ECML ESG timetable and it is not yet known when this will occur and what the outputs of it is.

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

10.3 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.

Northern are unable to address the comments about the ECML ESG outputs as the work is being undertaken by Network Rail. Whilst Northern along with other operators is involved in the various workstreams, ultimately it is the role of Network Rail to decide when the ECML ESG timetable will occur.

10.4 Subsequent Changes: Have any changes been made to the proposal following consultation?

11. 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.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

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)

12. Submission

12.1 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).

12.2 Where to send it:

Email: track.access@orr.gov.uk