

Louise Beilby
Senior Access Executive



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Dear Lysette and Kate

Approval of the 62nd 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

We have today approved the above supplemental agreement submitted to us formally on 11 October under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. ORR's approval of this application will extend existing services throughout the network covered by Northern and ensure continuity of service to its passengers from the Principal Change Date (PCD) in December 2024. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent application that Northern has submitted in accordance with section 22A of the Act.

Concurrent section 22A application

On 24 April 2024 ORR [wrote to industry](#) to set out a process for access applications for the December 2024, May 2025 and December 2025 timetable changes. In that letter we asked industry to comply with a deadline of 20 May 2024 for applications for additional rights (or amended rights that change capacity parameters) for these timetable changes that met specific criteria. Northern made such an application for December 2024 (57th SA) on 20 May.



In reaching a decision on this supported 62nd supplemental agreement, it is important to clarify that:

- ORR has reached its decision in the full knowledge of Northern’s concurrent section 22A application;
- Northern’s section 22A application remains “live” and we continue to try to progress it. However, ORR cannot reach a decision on that application as Network Rail has not yet completed its analysis. We continue to press Network Rail to complete its analysis as quickly as possible; and
- most importantly, the approval of the 62nd SA supplemental agreement ensures that Northern has approved access rights in the December 2024 timetable.

Purpose of 62nd supplemental agreement

The purpose of the 62nd supplemental agreement is to roll over the current timetable, implemented in June 2024, with some minor amendments in the service groups ED04, ED05, and ED06. It also implements the extension of the East Coast Main Line (ECML) policy as recently agreed by Network Rail for contingent rights held by Northern in the relevant area. Class 185, Class 319 and Class 321/322 units are also removed from the Schedule 5 specified equipment table.

The amendments are to commence on PCD 2024. All rights will apply only on a contingent basis for one timetable period until the Subsidiary Change Date (SCD) in May 2025, with the exception of those rights that fall under the ECML policy, which will be extended to PCD 2025.

Network Rail noted that it could only agree to the requested access rights on the West and North Yorkshire Inter Urban, West and North Yorkshire Local, and South and East Yorkshire Inter Urban lines (service groups ED04, ED05, and ED06) until SCD 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond SCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation for four weeks from 21 August. West Yorkshire Combined Authority had some concerns that the overall quantum of services appeared to have been reduced. Network Rail and Northern were able to provide reassurance that this will not be the case.



Great Western Railway, CrossCountry and Transport Focus replied stating that they had no objections to make.

ORR review

Our review of the application raised no operational, performance or economic concerns.

We noted Network Rail's position on the continuation of additional rights on the West and North Yorkshire Inter Urban, West and North Yorkshire Local, and South and East Yorkshire Inter Urban lines beyond SCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for those in service groups ED04, ED05, and ED06 beyond SCD 2025.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

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 the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.



Yours sincerely

Louise Beilby