

**Louise Beilby**  
Senior Access Executive



6 December 2024

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Dear Rebecca and Darren

**Approval of the 65th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Govia Thameslink Railway Limited (GTR) dated 2 March 2016**

We have today approved the above supplemental agreement submitted to us formally on 2 December 2024 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 allow GTR to continue to run its services in the Great Northern Outer area of its network and ensures that GTR can provide continuity of services 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 GTR 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. GTR submitted such an application on 20 May 2024.

In reaching a decision on this supported 65th supplemental agreement, it is important to clarify that:

- ORR has reached its decision in the full knowledge of GTR's concurrent section 22A application;
- GTR'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 65th supplemental agreement ensures that GTR has approved access rights in the December 2024 timetable.

### **Purpose of 65th supplemental agreement**

The purpose of this agreement is to enable GTR to operate its timetable from PCD 2024. This involves:

- Amendments within service group ET05 (Great Northern Outer) – reductions in service quantum are on a firm basis, while any additional services are on a contingent basis only until the Subsidiary Change Date (SCD) in May 2025;
- The extension of existing firm and contingent rights on the East Coast Main Line (ECML) until PCD 2025 to reflect the latest Network Rail policy; and
- Amendments to Table 4.1 of Schedule 5 to add various new calls.

Network Rail noted that it could only agree to the requested additional access rights on the Great Northern Outer lines (service group ET05) 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 from 20 September. No concerns or issues were raised.

### **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 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 additional service group ET05 rights 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**