



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 (NTL)

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:			57th
Current contract date:			03 rd March 2016
Current contract expiry date:			PCD 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 2027
	Name of funder (e.g. DfT, Local Authority):	RNP/DfT
	Does the funder support this application?	Yes <input checked="" 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:

Following on from the submission of this application in May 2024 and subsequent Network Rail and Industry consultation, NTL are proceeding to formally submit to the ORR this 57th Supplemental Agreement as unsupported by Network Rail. NTL and Network Rail have been unable to reach an agreement surrounding the transfer of rights from TransPennine Trains Ltd to NTL to operate part of a local stopping service between Leeds and Huddersfield. Network Rail are proposing to grant NTL the rights sought in this application for a period of 6 months only on a contingent basis with no expectation of continuity. NTL do not agree with this and request that the rights be directed to NTL on a firm basis until PCD 2027. Further details are given in section 3.4 of this Form P.

Proposed commencement date:	PCD 2024
End date:	PCD 2027
Date approval or directions wanted by:	ASAP

1.6 Industry consultation:

Who carried out the consultation?	Network Rail on behalf of NTL		
Consultation start date:	22.05.24	Consultation end date:	28.06.24
Not carried out <input type="checkbox"/>			

1.7 Applicant details

Facility Owner 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	Beneficiary Company: Northern Trains Limited (NTL) Contact name: Kate Oldroyd Job title: Track Access Manager Address: George Stephenson House, Toft Green, York YO1 6JT
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Phone: [REDACTED]	Phone: [REDACTED]
E-mail: [REDACTED]	[REDACTED]

1.7 Date of application to ORR:

13.08.24

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.

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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).

ED05 West and North Yorkshire Local

Transfer of certain rights between Leeds and Huddersfield (via Dewsbury) from TPT to NTL:
 +2 Firm SX AM Peak rights between Huddersfield and Leeds
 +6 Firm SX Off Peak rights between Huddersfield and Leeds
 +8 Firm SO rights between Huddersfield and Leeds

+7 Firm SuO rights between Huddersfield and Leeds
 +2 Firm SX PM Peak rights between Leeds and Huddersfield
 +6 Firm SX Off Peak rights between Leeds and Huddersfield
 +8 Firm SO rights between Leeds and Huddersfield
 +7 Firm SuO rights between Leeds and Huddersfield

The above are new rights to NTL but do not represent additional services on the network as NTL and TPT are sharing the overall number of paths on this route.

Associated amendments to the calling patterns table to reflect the rights transfer.

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.

NTL and Network Rail have been unable to agree on the duration and type of right for the partial service transfer between TPT and NTL. Network Rail are only proposing to grant NTL the rights for 6 months on a contingent basis with no expectation of continuity so that this proposal can be assessed alongside the other applications that were submitted on May 20th. NTL believe that despite this, the rights should be granted to NTL as firm until PCD 2027 for the following reasons:

- The proposal sees no change in the quantum of services between Leeds and Huddersfield (stopping service).
- TPT have proposed to relinquish the same number of access rights that NTL has applied for.
- This change has been directed by Rail North Partnership (RNP) and the Department for Transport (DfT).
- TPT already hold the access rights to operate the service until 2028 in line with their current contract expiry date. NTL's current contract expires in 2027, a year before TPT, therefore NTL are not seeking access rights for a period of time longer than what is already in place.
- Had the transfer of access rights not been directed by RNP and DfT, then the rights in question would not have been part of any applications for Dec 24, May 25 or Dec 25 as TPT had no plans to amend the service group in question (such as increase quantum or alter origin or destination) aside from transferring half of the access rights to NTL.
- The presence of these rights had always been factored into any capacity work for the Leeds area as part of the ESG workstream.
- If the decision to only grant NTL access rights for 6 months goes ahead, then this does not provide either NTL nor TPT any business, commercial or operational stability or certainty. Nor does it provide passengers with service continuity.

- Neither NTL nor TPT are aware of any other operator proposing to commence running services between Leeds and Huddersfield. No operator has applied for access rights to operate a new service on this line of route from May 20th 2024.

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.

The consolidated contract on the ORR contains changes made up to and including the 61st SA but does not contain Dec 24, May 25 or Dec 25.

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.

The 57th SA will provide continuity of current local services between Leeds and Huddersfield as directed by the DfT and RNP.

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 Dec 24 timetable has been fully validated and offered by Network Rail, this includes the changes which NTL are seeking as part of this application. NTL are not aware of any issues that have been caused by the rights being sought.

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.

NTL does not believe there is any adverse performance impact of this application but work closely with Network Rail on a route level to monitor and improve network performance.

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

None, the proposals are within the current Engineering Access times.

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 and any subsequent timetable validation processes.

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.

Northern intend to operate 3 car Class 150 units on services between Leeds and Huddersfield. A Vehicle Change variation to the existing Vehicle Change for 3 car 150 has been submitted to Network Rail to run alongside this application. The consultation for this Vehicle Change is due to close in September 2024.

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.

NTL and TPT have been remitted by the DfT and RNP to joint operate the Leeds<>Huddersfield service group with a long term aim that NTL fully operates the local stopping service.

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 57th SA are broadly in line with the agreed new specification for Dec 24 as published by the PMO. The changes contained within this Supplemental have been validated and offered back by Network Rail and have been accommodated within the timetable.

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:

N/A

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.

NTL, TPT and Network Rail are currently working together to make the required changes to Schedule 8 as a result of this transfer. This work is currently ongoing and will be submitted in due course.

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.

N/A

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.

N/A

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.

NB none of the comments received during the consultation were specifically related to the LDS<>HUD proposal. Original 57th SA comments shown below for clarity, full details have already been shared with the ORR.

Comments in support of the application received from:

Amey Infrastructure, Wales

DB Cargo

Grand Central (“Grand Central has fully participated in the ECML ESG timetable process, and as such, in principle we have no objection to the timetable being implemented in line with the timetable that was issued as the Prior Working Timetable for the December 2024 timetable change and where operators already hold the relevant access rights”).

GWR

Transport Focus

WYCA

Comments requiring further information received from:

Avanti

Comments objecting to the proposals:

XC Trains

GBRF

Freightliner

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

Avanti had requested some further details as to the rights changes that impacted on the North West and Central Region. Train prints provided which were outputs of the recently validated and offered timetable for December 24. No further response was received.

XC Trains objected to this application on performance grounds and that they were unable to see the peak additional trains in the database for Leeds. NTL confirmed that they were in the Dec 24 timetable which has since been validated and offered by Network Rail. Network Rail route performance had not raised any concerns with the application. No further response was received.

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.

GBRF stated that they were unable to support this application due to the ongoing work with the ESG and due to the volume of applications they are unable to assess how they may or may not align with each other or GBRF’s applications. The December 24 timetable is not related to the ESG and it has been validated and offered by Network Rail. Northern is not aware of any issues that this application has caused trains operated by GBRF.

Freightliner sent a standard response covering the 57th, 59th, and 60th SAs stating that, given the number of competing applications submitted from operators across the industry, they are currently

unable to understand the impact this application would have on their own services, and are unable to support this application at this time.

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

Elements which Network Rail are now able to support have been removed and included within the 62nd SA as a Section 22 application.

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  Date13th Aug 24.....

Name (in caps) ...KATE OLDROYD..... Job title ...TRACK ACCESS MANAGER...

For (company)NORTHERN TRAINS LIMITED...

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:

Ema 