



## **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:			59th
Current contract date:			03 <sup>rd</sup> March 2016
Current contract expiry date:			PCD 2025 (55 <sup>th</sup> SA seeks to extend this to 2027)

### 1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	01 <sup>st</sup> March 2020
	Public service contract end date:	PCD 2025 (PCD 2027 under 55 <sup>th</sup> SA)
	Name of funder (e.g. DfT, Local Authority):	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:

Northern Trains Limited's (NTL) 59th Supplemental Agreement seeks to gain access rights to operate a new hourly Leeds to Sheffield (via Moorthorpe) semi-fast service across all 7 days from the May 2025 timetable change (SCD 2025). The proposal has been approved by the Rail North Partnership board and is supported by the DfT and RNP. NTL has been remitted to apply for the access rights so that the train paths can be included with the timetable bid for May 25. The introduction of this service is dependent on the timetable structure changing to accommodate the additional service such as the ECML ESG. The additional service had been included within the original plans for Dec 24 ECML ESG but have been removed from the Dec 24 (57<sup>th</sup> SA) application owing to the deferral of the ESG. NTL is submitting this application in line with the timescales set out in the ORR letter to industry dated 24<sup>th</sup> April. As a result of the timescales laid out in that letter, Network Rail do not currently support this application as they do not have sufficient time to reach a decision.

Proposed commencement date:	SCD 2025 (or in line with a revised implementation date of the deferred ESG timetable)
End date:	PCD 2025 (PCD 2027 if 55 <sup>th</sup> SA is approved)
Date approval or directions wanted by:	

### 1.6 Industry consultation:

Who carried out the consultation?			
Consultation start date:	22 <sup>nd</sup> May 2024	Consultation end date:	28 <sup>th</sup> June 2024
Not carried out <input type="checkbox"/>			

### 1.7 Applicant details

<p><b>Facility Owner</b>                  Company: Network Rail Infrastructure Limited (NR)                  Contact name: Lysette Rowley                  Job title: Franchise &amp; Access Manager                  Address: Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND</p> <p>Phone: [REDACTED]                  E-mail: [REDACTED]</p>	<p><b>Beneficiary</b>                  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).

**ED05 West and North Yorkshire Local**

NTL is seeking new firm access rights to operate a new hourly semi-fast service between Leeds and Sheffield across all 7 days.

New access rights to operate a new Leeds to Sheffield via Moorthorpe (fast) service:

- +3 Firm SX AM Peak rights between Sheffield and Leeds
- +13 Firm SX Off Peak rights between Sheffield and Leeds
- +16 Firm SO rights between Sheffield and Leeds
- +14 Firm SuO rights between Sheffield and Leeds
- +4 Firm SX PM Peak rights between Leeds and Sheffield
- +12 Firm SX Off Peak rights between Leeds and Sheffield
- +16 Firm SO rights between Leeds and Sheffield
- +14 Firm SuO rights between Leeds and Sheffield

**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 55<sup>th</sup> 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.

The new Leeds to Sheffield (semi-fast) service will alleviate current severe overcrowding between Leeds and Sheffield as well as generating over 900k additional customer journeys per year, driving wider economic benefits of over £3m. This would provide very high value for money as defined by DFT Transport Appraisal Guidance.

**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.

As stated in the summary, this application is dependent on the delivery of a structural change to the timetable such as ECML ESG. This new proposal was included in the original ESG work and has been included in the revised ESG workstream currently being undertaken by the industry. The ECML ESG demonstrated that there was sufficient capacity within the new timetable to accommodate the additional service.

**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.

The train paths for this proposal were included in the performance modelling undertaken for the ESG timetable work. The proposed service was shown not to have a detrimental impact on the overall performance of this route. There are clear benefits to providing an additional fast path between Leeds and Sheffield from a station overtime perspective owing to the current overcrowding issues.

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

The proposal sits within current Section 4 times as indicated in the Engineering Access Statement for the applicable lines of routes.

## 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 normal 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.

NTL have been remitted to apply for the access rights and operate the service by the DfT/RNP. NTL has identified suitable rolling stock resource and has been instructed by RNP to recruit traincrew to operate the 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.

N/A

**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 proposal will be included within the May 2025 timetable bid and will be subject to the usual industry timetable validation process by Network Rail System Operator. The proposed service has been included in the ESG timetable work from the beginning reflecting the expected demand growth identified through strategic planning workstreams such as CMSP.

## 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:

Whilst Northern already operate services between Leeds and Sheffield (via Moorthorpe), these services call at all local intermediate stations. The proposed new service will only call at Wakefield Westgate and will therefore provide an additional fast service on top of the existing XC service. It is well documented that this corridor experiences severe overcrowding that this new service would help to alleviate. It should be noted that XC plan to withdraw a number of calls at Wakefield Westgate during the summer of 2024 due to the issues with overcrowding, which will put additional pressure on the local network. NTL expect that the new Leeds<> Sheffield service will relieve the localized crowding and provide capacity for growth for both NTL and XC.

**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.

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.

Responses received in support of the application:

Amey Infrastructure, Wales  
 Avanti  
 DB Cargo  
 GWR  
 South Yorkshire Combined Authority  
 Transport Focus  
 WYCA

Responses requesting further information:

EMR requested additional information around network capacity in the Sheffield area. NTL responded to this query on 31<sup>st</sup> July, no further correspondence has been received from EMR.

Responses received objecting to the application:

Freightliner sent a standard response covering the 57<sup>th</sup>, 59<sup>th</sup>, and 60<sup>th</sup> 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.

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.

Grand Central advised that they are unable to support the application until NR has fully established a plan for the implementation of the ESG timetable, has confirmed that the additional services can be accommodated, and has confirmed that the impact on other operator's services is fully understood.

XC objected owing to this application being dependant on the ECML ESG timetable which is in a state of flux with no confirmed implementation date.

LNER whilst broadly supportive of improving connectivity between cities within the Yorkshire area, has requested that Network Rail carry out timetable work and an assessment of the infrastructure to ensure that this proposal can be accommodated alongside the Firm rights that LNER hold between Leeds and Doncaster. These rights include the 2016 ORR directed path between London and Leeds which has not been exercised as it cannot be accommodated in the timetable.

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

N/A

**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.

For the Freightliner, GBRF, Grand Central, XC and LNER comments, Northern is reliant on Network Rail to undertake the capacity analysis requested by both parties. With regards to the LNER comments, Northern do not believe that additional infrastructure is required to deliver the proposals that Northern are applying for. The rights being sought by Northern in this application were shown to be accommodated within the original ECML ESG timetables.

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

No

**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: [REDACTED]