



## 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:

TransPennine Trains (TPT) Limited
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### 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:		58th	
Current contract date:		03/03/2016	
Current contract expiry date:		SCD 2028 (May 2028 timetable change)	

### 1.4 Applicant status:

Public Service Operator <input checked="" type="checkbox"/>	Public service contract start date:	28/05/2023
	Public service contract end date:	30/05/2027
	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:

TPT seeks industry support and approval from the ORR to make changes to Transpennine Trains Limited (TPT) track access rights held within tables 2.1 and 2.2 of Schedule 5 the track access contract. These changes will fully align TPT's rights within our access rights tables to mirror our service provision that will be introduced and operated at the December 2024 timetable (TT) change date, this helps to remove the requirements for partial services to be linked together giving a clearer and more manageable contract. The December 2024 timetable will see the re-introduction of the services removed from the December 2023 timetable that allowed for a 12-month period of stabilisation. It should be noted that this provides TPT with the changes requested and will provide the access required to run its contracted Train service. The changes that are requested within the supplemental for December 2024 provide TPT with the base rights for future timetable periods and allow for the potential for the ESG timetable to be introduced with zero to minimal changes from the base depending on service patterns.

Proposed commencement date:	PCD 2024 (Dec 2024 timetable change)
End date:	Contract Expiry (SCD 2028)
Date approval or directions wanted by:	Prior to the Start of PCD 2024

### 1.6 Industry consultation:

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

### 1.7 Applicant details

Facility Owner Company: Network Rail Contact name: Sam Wheelan	Beneficiary Company: TransPennine Trains Limited Contact name: Chris Hassall
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Job title: Franchise & Access Manager, NW&C  
 Address: Square One, 4 Travis Street,  
 Manchester, M1 2NY

Job title: Head of Commercial Contracts  
 Address: 8<sup>th</sup> Floor, Bridgewater House, 60  
 Whitworth Street, Manchester, M1 6LT

Phone: [REDACTED]  
 E-mail: [REDACTED]

Phone: [REDACTED]  
 E-mail: [REDACTED]

1.7 Date of application to ORR:

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):

A full breakdown of changes by location has been provided in PowerPoint – this shows how the existing TPT Firm and Contingent Rights held are amended to mirror the Dec 2024 Timetable.  
 A Comparison of Firm and Contingent Rights against quantum is provided within the provided Excel file.

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).

TPT seeks industry support and approval from the ORR to make amendments to the content that is contained within tables 2.1 and 2.2 within the track access contract. This is so they reflect the services that TPT are going to be running from the implementation of the December 2024 timetable change date. TPT's requests reflect the requirements of the Rollover+ timetable that has been agreed for implementation for December 2024 but also reflects the requirements on rights that would be required for the introduction of the ECML ESG timetable recast subject to it being agreed by the industry for a future timetable change.

Along with the changes listed within the changes to the tables, TPT is also seeking to convert the required aspects of its current Contingent Rights to Firm Rights. This is as indicated by Network Rail Industry Letter dated 12/12/2023 on its acceptance to consider requests on an individual basis to remove the high number of Contingent Rights currently held within the TPT access contract on the ECML noting the requested changes to Firm Rights apply for the requirement of the Rollover+ timetable but also would have been required with the introduction of the ESG timetable. TPT has been running with a high number of Contingent Rights since the ECML policy was implemented in 2017 and over this time although there have been changes to the timetable mainly relating to other industry programs (May 18 recast + MRTF changes), the base quantum of services across core locations has remained stable (outside Covid reduced timetables).

TPT has been working collaboratively with Network Rail through the ECML ESG working group to identify the services that TPT will run at its introduction in December 2024 and post the postponement of the ESG to identify the recovery of the timetable against a rollover of the June 2024 timetable and have bid in line with the output that was provided in the prior working timetable as required at T-40 (08/03/24) and the revised bid date for the Rollover+ timetable at T-34 (19/04/24).

With the introduction of the December 2024 timetable, we are looking to introduce additional services between Manchester Piccadilly and York via Wakefield Kirkgate and Castleford which will see an additional 10 rights in each direction for services. TPT will be terminating and starting its current Scarborough services at Manchester Victoria with the current rights held being amended which are currently shown as running to/from Liverpool Lime Street and Manchester Piccadilly.

TPT is also looking to hand back several rights between Leeds and Huddersfield relating to the partial transfer of the service to Northern Trains Limited – note these changes are shown/referenced within this application but are being processed within a separate 61<sup>st</sup> Supplemental and the reduction will only be incorporated following approval of the 61<sup>st</sup> supplemental.

To align with the potential introduction of the ESG, TPT has noted we are only requesting Contingent Rights for Services between Edinburgh – Newcastle and Edinburgh – Berwick Upon Tweed as they remain subject to change if the ESG timetable is introduced. We have also noted the additional Rights requested for Newcastle – Manchester Victoria will be requested as Contingent Rights as they also are not noted as a requirement in the previous ESG timetable.

A full audit of the Schedule 5 rights tables has been undertaken to ensure TPTs' Access Rights mirror our T-34 Timetable Bid for December 2024. Please see the attached rights tables and the associated commentary in PowerPoint to outline the changes at each location. This has been additionally provided due to the complexity of matching up the changes in Tables 2.1 and 2.2. Due to the highlighted number of changes to the rights tables, a full amendment to table 2.1 is proposed to make it easier to read with adjustments to rights; these match the services that will be provided. Overall, a reduction in the number of combined rights needed is proposed; bringing our Access Rights in line with what will be operated in December 2024.

**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.

Network Rail has stated that “It isn’t that NR isn’t supportive [of TPTs Supplemental Proposal], just that we aren’t in a position at the moment to confirm our support whilst there is uncertainty concerning the Dec’24 ECML timetable and we are working through internally what this means for access rights”.

**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.

Yes



## 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 changes will allow us to hold the Firm Rights required to run our timetable as indicated within its Train service specification. By gaining Firm Rights TPT will be able to protect the services it has been running over the past 10+ years and maintain key links for customers between the Northeast and the Northwest.

The rights table will reflect the services TPT are running, reducing the overall number of rights required by combining through services. It should be noted that this proposal allows TPT to release some capacity that is currently held from partial use that has occurred through late notice changes.

The new tables will allow TPT and NR to monitor and manage TPT's rights accurately allowing easier identification of any unused rights, making sure only the capacity required is being held.

A key strategic intervention of our enhanced rail service proposals is to support greater connectivity between the regions, helping to narrow the North / South divide by allowing the city regions in the North to operate as a more coherent economic entity. The request for access rights included within this application essentially provides the forerunner service structure for major Transport Policy Investment in the North of England; TransPennine Route Upgrade (TRU) and allows us to continue with our development of a Track Access Option for securing the future of the access as these investments are completed. These plans are therefore integral to the success of these Transport Policy plans and will allow us to be more confident in working on schemes for enhancements on routes and stations to improve the facilities and services for passengers and the local authorities encountered over the route to plan on the investments they are looking to make.

**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.

TPT has worked closely with the NR with the development of the paths that are held within the rollover+ timetable to make sure the uplifts that are required within the timetable can be included against a majority rollover of the June 2024 timetable. This timetable has also been significantly developed against the ECML ESG and will allow for a rollover of the rights included within the application if the ESG timetable is introduced within a future timetable.

**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.

TPT performance is expected to not be materially impacted by the inclusion of the changes within the 58<sup>th</sup> supplemental as this is generally a return to the timetable structure that existed within May 2023. TPT has been working since this timetable to improve its driver route and traction knowledge which led to many of the performance issues that were encountered during this timetable and is progressing well and reported back to NR via updates into the Eastern Timetable Readiness program.

Due to the removal of the ESG timetable, we will not now see the negative impacts on performance that had been expected to be seen in and around Newcastle and modelling showed the levels of performance around York and Leeds remained stable showing no impacts expected from the Rollover+ timetable from the ESG.

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

No change

## 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.

The additional paths below support our December 2024 TT Bid and are reflected in the revised Schedule 5 Track Access Tables.

- 10 Firm additional Rights EWD + SU Manchester Piccadilly – York Via Wakefield Kirkgate
- 10 Firm additional Rights EWD + SU York – Manchester Piccadilly via Wakefield Kirkgate
- 1 Firm additional Right EWD Leeds – Scarborough
- 1 Firm additional Right EWD Scarborough – Leeds
- 1 Firm additional Right SU Manchester Airport – Scarborough
- 2 Firm additional Rights EWD + SU Liverpool – Huddersfield
- 1 Firm additional Right EWD Liverpool Lime Street – Newcastle
- 1 Firm additional Right EWD Manchester Airport – York
- 1 Firm additional Right EWD Manchester Victoria – Saltburn
- 1 Firm additional Right SO Cleethorpes – Doncaster
- 1 Contingent additional Right EWD + SU Newcastle – Manchester Victoria
- 1 Contingent additional Right EWD + SU Manchester Victoria – Newcastle
- 6 Contingent additional Right SO + SU York – Scarborough (Seasonal additional Rights to run from Period D through Period H)
- 6 Contingent additional Right SO + SU Scarborough – York (Seasonal additional Rights to run from Period D through Period H)

For reference – SX = Saturday Excluded (Monday – Friday) EWD = Every working day (Monday – Saturday), SO = Saturday only, SU = Sunday only

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

N/A

**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.

The services that TPT are seeking to operate are all included within the TPT Train Service Specification with the DfT / Rail North Partnership. This is a leading factor for requesting Firm access Rights within the application as this is to protect the delivery of service our service against the requirements of our contract.

**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.

None required.

**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.

These changes will support TPTs' LTP Bid for PC2024 and provide the base for future timetables as within TPT's train service agreement with RNP/DfT

## 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:

TPT are aware of the competing services requested in relation to additional services operated on the ECML but believes these are not in competition with TPT services and do not impact the supplemental submission.

**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.

None relating to this proposal.

**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.

None relating to this proposal

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

Yes, as per existing Schedule 8 arrangements.

**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.

There are no enhancement charges.

## 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.

TPT is currently progressing with an application under a 61<sup>st</sup> Supplemental to relinquish access rights between Leeds and Huddersfield as a requirement for a Northern Application – This change is reflected within this supplemental but is subject to the approval of the 61<sup>st</sup> Supplemental.

**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



Who conducted the consultation?

Sam Wheelan, Franchise and Access Manager, Network Rail

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

- AMEY – Support
- Transport Focus – Accept
- West Yorkshire Combined Authority – Resolved issues see section 10.2
- DB Cargo – No concerns
- Great Western Railway – No comment
- Northern – No comments
- First Trenitalia West Coast Rail Limited – No objections
- Grand Central – Unresolved issue see section 10.3
- Transport for Wales Rail – Resolved issues see section 10.2
- Freightliner – Unresolved issue see section 10.3
- CrossCountry – Unresolved issue see section 10.3

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

West Yorkshire Combined Authority queried whether this is largely a rollover of the June 2024 TT through to and after December 2024, with the additional 10-each-way Manchester-Wakefield Kirkgate-Castleford-York services? NR confirmed this would be a fair overview however, noted that Leeds – Huddersfield services are re-instated as stopping services rather than being included within the Hull services with the Hull services returning to their pre-Dec23 patterns. Scarborough services will also run through to Manchester rather than terminating at York. WYCA confirmed they were supportive.

Transport for Wales queried whether TPE identified any issues with pathing of trains on the Chat Moss route, and if so, how have they been resolved?

Has TPE identified any issues with platforming, stabling and shunting at Manchester Piccadilly and Manchester Airport, and if so, how have they been resolved? TPT confirmed services on the Chat Moss line will remain as they are currently, with the Newcastle services continuing to run and the re-introduction of the Hull services to Liverpool as they did in May 23. Regarding the Manchester query TPT noted we have not encountered any issues with Manchester Airport or Manchester Piccadilly within the bid process with Network Rail. These responses closed out the queries.

**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.

*Freightliner:* Freightliner are currently unable to understand the impact this application would have on our own services and are unable to support your applications to the ORR.

*Grand Central:* Where additional services, not currently operating are proposed prior to the ESG timetable implementation (date to be confirmed) we would suggest only contingent rights are granted, until the ESG process is concluded allowing them to be converted to firm.

*CrossCountry:* This application contains services that are vying for the same capacity as many other applications currently under consultation. Until Network Rail has completed its capacity analysis exercise it is difficult for us to understand the capacity and potential impact on our services. It is likely there will not be sufficient capacity for all applications over the geography that this application refers to 2 trains per hour at Newcastle and there are also current concerns with Manchester Victoria turnarounds. We reserve the right to provide further comments as the work from Network Rail completes for the timetable that is relevant for this application.

XCTL would like Network Rail and TransPennine Trains Limited to resolve these matters before we will be in a position to support this application.

**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]