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By email

31 July 2024

Dear colleague

ORR regulation of complex track access applications for 2024 and 2025

1. Our teams have been in close communication on the industry's requests for access to the network from December 2024 through 2025. This follows ORR writing to industry, supported by Network Rail, to request formal submission of track access applications for three timetable changes by 20 May. This letter provides an update for stakeholders on the application process and the next steps.
2. This request was made because of the known interest in access across key parts of the network from passenger, freight and potential open access operators. Given the complexity of these interactions and potential competing nature of these applications it was already known that careful consideration and assessment was needed to support the best outcome for users and funders of the railway.
3. The industry has responded very constructively to the request. This provides the opportunity for Network Rail, funders and ORR to take a strategic view of capacity use and provide the best possible outcome in implementing proposed improvements to services for the benefit of users and taxpayers. This would not have been possible if industry had continued with the practice of making formal applications and decisions a matter of weeks before each timetable change. A summary of the applications is attached as an Annex to this letter and was published on the ORR website on 29 May 2024.
4. Network Rail is required to assess whether there is capacity available on the network to accommodate the applications, while considering the impact on network performance. It must then decide whether it supports signing a contract for access with an applicant, or not. We are holding Network Rail to account for timely delivery of these decisions.
5. We are also working with operators to ensure we have the information we need from them. This includes their views of available capacity, information to complete economic analysis where appropriate, and evidence of their readiness to make timely use of the capacity. Network Rail and operators need to deliver in sufficient time for ORR to carry out our role of approving Network Rail's decisions or, if appropriate, directing different decisions. In doing so, we will need to weigh all of



our duties including having regard to the Secretary of State's general guidance to ORR. This then ensures train services can be planned and mobilised with confidence- giving certainty to industry, funders and passengers.

6. We recognise the volume and complexity of work this entails for Network Rail and operators. We welcome the efforts made to provide information to ORR in Network Rail and industry responses to date. Network Rail provided a plan for producing the next three timetables, and its initial statutory required views on the applications in June. We have asked Network Rail to improve the clarity of the plan, specifically to provide better visibility of the indicative programme of work it will undertake to demonstrate to funders, industry, and ourselves that its capacity and performance assessment is appropriate. On behalf of all stakeholders, we have also asked Network Rail to be clearer about when it will make this evidence available. We have asked Network Rail to answer these questions by 12 August and we will publish what they provide. We note that several operators have also stressed the importance of Network Rail providing this clarity without undue delay.
7. In regulating this allocation of capacity, we have noted the importance of deciding on the introduction of a new timetable for the East Coast Mainline. This will set a stable basis for access decisions on this route as well as interacting services.
8. For the December 2024 timetable change, the timetable production process began in March (when operators bid for space in the timetable), so Network Rail can use that process to assess the applications relevant to that timetable change starting in December 2024. We expect Network Rail to provide its responses for December 2024 in September to ensure that train services in the timetable are supported by contracts no later than the advance booking date for passengers (12 weeks before the new timetable takes effect).
9. For May 2025, Network Rail will need to progress at pace to provide its position in the Autumn on the applications requesting rights for this timetable change. Again, the target should be for contracts to be in place by the passenger advance booking date, at the latest.
10. Decisions for December 2025 would ideally be taken so that more contracts would be in place by the time the timetable production process starts in March 2025. However, given the number of open access applications for December 2025 and the need to take account of stakeholders' evidence it is important that Network Rail provides its position on applications for this timetable by May 2025.
11. We have been clear with Network Rail and industry that where Network Rail provides evidence there is capacity to accommodate all (or part) of an application, we expect to analyse and expedite the decision on those access rights. Equally, where Network Rail identifies it considers there is no available capacity, it should provide evidence to ORR promptly so we can progress our decision. For open access applications, this includes conducting our economic analysis.
12. In cases where the available capacity is insufficient to accommodate one or more applications, Network Rail needs to clearly identify this and set out the options. ORR can then consider all of its duties as set out in legislation, including the duty to have regard to guidance from the Secretary of State. Where our decision-



making requires the application of our established economic appraisal approach it is important that operators and Network Rail are ready to provide the required evidence. Economic appraisal could apply to conflicts between publicly owned and open access operators as well as passenger and freight operators.

13. We are committed to keeping applicants and stakeholders updated on the progress of this programme of work and ensuring transparency through publication of regular information on our website. This letter will be published on the ORR website. [Competing track access applications for 2024 and 2025 timetable changes | Office of Rail and Road \(orr.gov.uk\)](#).

14. In terms of next steps, we expect to update on progress towards the December timetable change in September. In the meantime, please contact my team if you have any questions.

Yours sincerely,

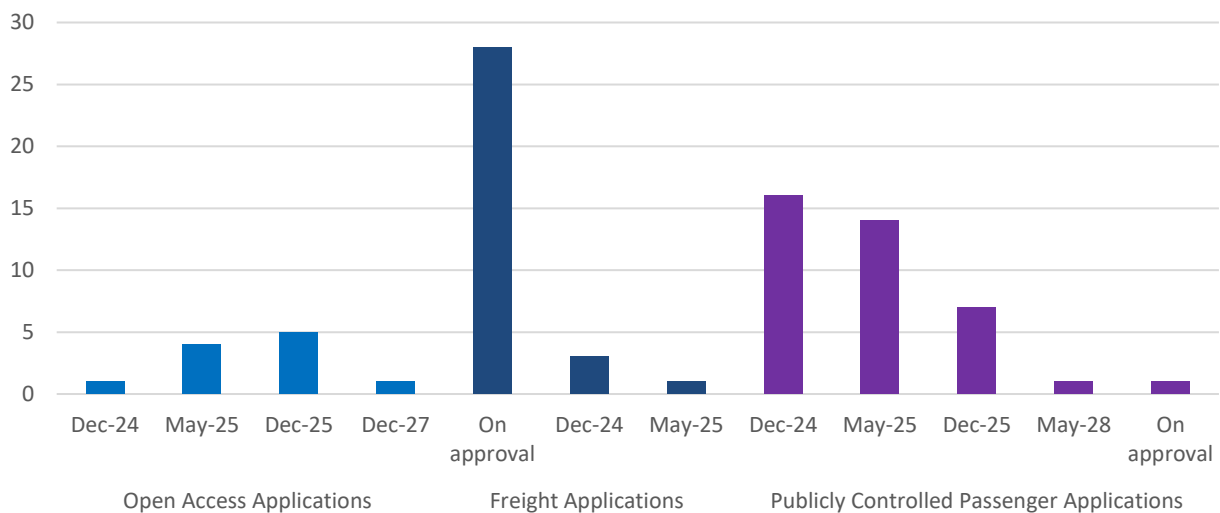
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Annex: Summary of Applications submitted to ORR by 20 May 2024

The chart shows the distribution of access applications received by ORR by 20 May 2024 for the labelled timetable changes. Although ORR requested applications for December 2024, May 2025 and December 2025 there were two applications which requested access in 2027 and 2028. Some freight and publicly controlled passenger applicants requested access rights from the first timetable for which they could be approved, “on approval”.

Number of applications submitted to ORR by 20 May 2024, by operator type and requested timetable start date



The open access applications equate to approximately a few hundred new services per week. Nearly half of these services are within a Virgin Trains application on the West Coast Main Line.

The freight applications concern approximately 1,000 services per week. Most are already in the timetable but without the desired certainty.

The publicly controlled operator applications form the majority of services (approximately 3000+ services per week). The applications contain limited new services and are mostly changes to existing service patterns or extensions of current rights.

The services totals are approximations based on the information contained within applications, some of which do not provide sufficient detail for accurate estimates.

A summary of passenger applications is provided in tables which follow. More information on the passenger and freight applications can be found in the summary information and individual applications on the ORR website [Competing track access applications for 2024 and 2025 timetable changes | Office of Rail and Road \(orr.gov.uk\)](https://www.orr.gov.uk/competing-track-access-applications-for-2024-and-2025-timetable-changes) or the Network Rail website [Sale of access rights - Network Rail](https://www.networkrail.co.uk/sale-of-access-rights).



Passenger applications for December 2024

Operator	Summary description
1. Avanti West Coast	Rights for one timetable period with some additional rights to Manchester and Liverpool.
2. Avanti West Coast	Rights to reinstate services temporarily removed during Covid.
3. Caledonian Sleeper	Contract extension with Euston platforming rights, calls at Birmingham Int.
4. Crosscountry	Contract extension plus additional rights required for Hydra timetable introduction.
5. EMR	Convert contingent rights in contract on multiple services.
6. Grand Central	Convert contingent rights for one return service on North-East route and convert Peterborough calls to firm rights.
7. GTR	Extension of rights expiring under ECML policy and convert to firm.
8. GWR	Rights to introduction new services to Paddington from Oxford and Cheltenham to Swindon. Extension of contract expiry for multiple services.
9. LNER	Rights to support York to Newcastle two hourly services.
10. LNER	Change contingent rights to firm (result of ECML policy).
11. Northern	Rollover of May '24 timetable with extension of rights under ECML policy. Addition of small service uplifts on York to Leeds.
12. Scotrail	Rights for additional weekend services between Edinburgh Waverley and Glenrothes with Thornton and one additional weekday service from Edinburgh Waverley to Inverkeithing.
13. TfW	Multiple service groups covering all of Wales and connections with England supporting introduction of rolling stock.
14. TransPennine	Application includes additional Manchester to York services and starting Scarborough services at Manchester. It is also requests converting rights to firm.
15. West Midlands Trains	New rights for services through Camp Hill.
16. West Midlands Trains	Introduction of rights to support additional services for Shrewsbury and Liverpool lines.
17. West Midlands Trains	Extension of rights to end of the WMT contract.



Passenger applications for May 2025

Operator	Summary description
18. Avanti West Coast	Rights including Manchester to Euston and Liverpool to Euston (via Birmingham). An additional firm right requested Crewe to Euston.
19. Avanti West Coast	Reinstate services temporarily removed during Covid from Euston with calling points all along WCML.
20. Grand Central	Additional daily services to Bradford, Wakefield and York. Additional calls at Seaham and Peterborough.
21. GTR	Extension of ECML rights with addition of relevant rights for Cambridge South.
22. Hull Trains	Rights for two additional Kings Cross to Sheffield services
23. LNER	Rights changes on one part of contract and extension of services at Bradford and Middlesborough.
24. LNER	Rights to allow services to/from Bradford Forster Square at weekends.
25. Lumo	Rights to extend services from Edinburgh to Glasgow.
26. Northern	Rights to add an hourly service between Leeds to Sheffield all week.
27. Northern	Rights changes necessary to implement the East Coast ESG timetable across multiple service groups in Tyne, Tees & Wear, West and North Yorkshire, South and East Yorkshire.
28. Scotrail	Rights to support additional services (half hourly) between Edinburgh and Dunblane. One additional firm right between Dunbar and Musselburgh.
29. TfW	Additional rights for Wales and cross border services.
30. TfW	Extensions to address the expiry of rights which support Core Valley Lines.
31. TransPennine	Extension of existing contingent rights and additional rights for Huddersfield to Leeds services to support engineering works.
32. TransPennine	Rollover of December 2024 timetable with additional rights for Newcastle to Edinburgh and Huddersfield to Leeds for engineering works.
33. West Midlands Trains	Firm access rights for 72 additional services, including increasing the number of services per hour between Birmingham New Street and Four Oaks / Lichfield Trent Valley.
34. West Midlands Trains	Firm access rights for 34 additional services to support an hourly Birmingham Snow Hill – Stratford-Upon-Avon service.
35. WSMR	New contract for Wrexham-Euston 5 daily services each way



Passenger applications for December 2025

Operator	Summary description
36. Alliance Rail	Application for new contract for rights between Edinburgh and Cardiff.
37. Avanti West Coast	Additional rights between Liverpool and Euston.
38. EMR	Extend rights from Crewe to Newark Castle
39. EMR	Rights from East Midlands to Manchester
40. GWR	Providing rights to call at Charfield station.
41. Hull Trains	Converting existing contingent rights to firm.
42. Hull Trains	Additional rights for one additional Kings Cross to Hull service
43. Lumo	Additional rights for one additional Newcastle to Kings Cross service.
44. Scotrail	Rights to support one additional peak service between Edinburgh Waverley to North Berwick. Provision of additional services to facilitate half-hourly off-peak trains between Edinburgh Waverley and North Berwick.
45. TransPennine	Extension to contingent rights up to May 2026 dependent on implementation of ECML timetable.
46. TransPennine	Rollover of December 2024 timetable with additional rights for Newcastle to Edinburgh and Huddersfield to Leeds for engineering works.
47. Virgin Group	Rights between Euston and multiple WCML destinations for multiple services.

Passenger applications for other timetable changes

Operator	Summary description
48. SYSL	Change of rights to add a new calling point at Magna for the South Yorkshire tram.
49. Lumo	Rights between Rochdale and London Euston from December 2027
50. LNER	Rights for additional Leeds to London service from December 2028.