



## **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 <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):	
	Does the funder support this application?	Yes <input 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:

The 57<sup>th</sup> Supplemental Agreement covers the required changes to Schedule 5 to deliver the December 24 timetable change. Following the announcement that the ECML ESG has been deferred, the Dec 24 timetable change is now largely a rollover of the Jun 24 timetable. There are some amendments in ED04 to reflect a minor uplift in services between York and Leeds in the peak along with some housekeeping of the tables to reflect service redescription. There are also some amendments to ED05 to reflect a trade in service between Transpennine Trains and NTL between Leeds and Huddersfield. Whilst this represents an increase in rights for NTL, there is no overall increase in paths running between Leeds and Huddersfield (via Dewsbury). There are some minor amendments to ED06 to reflect some service routing and linkages.

For the North West and Central region the Dec 24 timetable is a rollover from the June 24 timetable, with no changes to access rights.

There are some minor changes to the specified equipment to reflect the removal of Class 185, Class 319 and Class 321/322 units from NTL's fleet.

Following the ESG deferral, NTL is seeking to extend long held contingent rights in ED01 by 12 months as well as converting long held contingent rights to firm rights in ED05 and ED06. As these rights were due to expire at the PCD 2024 in line with the lifting of the ECML policy on rights, extending the contingent rights and seeking conversion to firm rights, gives NTL certainty to plan with a reasonable level of assurance as well as providing passengers with certainty in continuity of service provision. The firm rights have been shown to be accommodated within the ESG timetable and irrespective of the future of the ESG, the contingent rights in ED05 and 6 will continue to operate.

Proposed commencement date:	PCD 2024
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:		Consultation end date:	
Not carried out <input type="checkbox"/>			

**1.7 Applicant details**

<p><u>Facility Owner</u>                  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><u>Beneficiary</u>                  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).

#### **ED01 Tyne, Tees and Wear**

Owing to the deferral of the ESG timetable, NTL are seeking to extend long held contingent rights by 12 months to expire at the PCD 2025.

#### **ED04 West and North Yorkshire Inter Urban**

+1 Firm SX Off peak right between Lancaster and Leeds  
 +1 Firm SO right between Lancaster and Leeds  
 +1 SuO right between Lancaster and Leeds  
 -1 Firm SX Off Peak right between Leeds and Lancaster  
 -1 Firm SO right between Leeds and Lancaster  
 +2 Firm SX Off Peak rights between Leeds and Morecambe  
 +2 Firm SO rights between Leeds and Morecambe  
 -1 Firm SX Off Peak right between Lancaster and Skipton  
 -1 Firm SO right between Lancaster and Skipton  
 -1 Firm SX PM Peak right between Morecambe and Leeds  
 +2 Firm SX Off Peak rights between Morecambe and Leeds  
 +1 Firm SO right between Morecambe and Leeds  
 +1 Firm SuO right between Morecambe and Leeds  
 +1 Firm SX Off Peak right between Bradford Forster Square and Carnforth  
 +1 Firm SO right between Bradford Forster Square and Carnforth  
 (Redescription of existing service)

+3 Firm SX PM Peak rights between Leeds and York (via Micklefield)  
 -1 Firm SX Off Peak right between Leeds and York (via Micklefield)  
 +2 Firm SO rights between Leeds and York (via Micklefield)  
 +3 Firm SX AM Peak rights between York and Leeds (via Micklefield)  
 -1 Firm SX Off Peak right between York and Leeds (via Micklefield)  
 +2 Firm SO rights between York and Leeds (via Micklefield)

The above equates to a genuine uplift in the peaks of 2 in either direction with the remaining 1 right in either direction an existing service which has been retimed to fall within the 'peak' definition in the TAC.

#### **ED05 West and North Yorkshire Local**

Conversion of currently held contingent rights to firm between Leeds and Doncaster:

+1 Firm SX Off Peak right between Leeds and Doncaster  
 +2 Firm SO right between Leeds and Doncaster  
 +8 Firm SuO rights between Leeds and Doncaster  
 +1 Firm SX AM Peak right between Doncaster and Leeds  
 +1 Firm SX Off Peak right between Doncaster and Leeds  
 +4 Firm SO right between Doncaster and Leeds  
 +8 Firm SuO right between Doncaster and Leeds

Change in timing load to Class 333 to reflect the fact that NTL no longer operates Class 321 units

Conversion of currently held contingent rights to firm between Leeds and Sheffield via Moorthorpe/Rotherham Central:

+1 Firm SO rights between Sheffield and Leeds  
 +8 Firm SuO rights between Sheffield and Leeds

- +1 Firm SX Off Peak right between Leeds and Sheffield
- +2 Firm SO rights between Leeds and Sheffield
- +8 Firm SuO rights between Leeds and Sheffield

NTL's current Leeds to Knottingley via Wakefield Westgate service is formed of half firm, half contingent rights, with the portion between Leeds and Wakefield described in the contingent table and the portion between Wakefield and Knottingley described in the firm table. This 57<sup>th</sup> SA joins the rights back together to be described as one service with firm rights.

- 4 Firm SX PM Peak rights between Wakefield Westgate and Knottingley
- 14 Firm SX Off Peak rights between Wakefield Westgate and Knottingley
- 18 Firm SO rights between Wakefield Westgate and Knottingley
- 3 Firm SX AM Peak rights between Knottingley and Wakefield Westgate
- 12 Firm SX Off Peak rights between Knottingley and Wakefield Westgate
- 15 Firm SO rights between Knottingley and Wakefield Westgate

- +4 Firm SX PM Peak rights between Leeds and Knottingley
- +14 Firm SX Off Peak rights between Leeds and Knottingley
- +18 Firm SO rights between Leeds and Knottingley
- +3 Firm SX AM Peak rights between Knottingley and Leeds
- +12 Firm SX Off Peak rights between Knottingley and Leeds
- +15 Firm SO rights between Knottingley and Leeds

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.

#### **ED06 South and East Yorkshire Inter Urban**

Minor amendments to reflect some service splitting but represents a quantum neutral change:

- +1 Firm SX Off Peak right between Hull and Bridlington
- +2 Firm SO rights between Hull and Bridlington
- +1 Firm SuO right between Scarborough and Hull
- +1 Firm Off Peak right between Sheffield and Hull
- +1 SO right between Sheffield and Hull
- 1 Firm Off Peak right between Sheffield and Beverley
- +1 Firm SuO right between Hull and Sheffield
- 1 Firm SuO right between Scarborough and Sheffield

NTL have converted some long held contingent rights between Sheffield <> Adwick to firm rights:

- +3 Firm SX AM Peak right between Adwick and Sheffield
- +2 Firm SX PM Peak rights between Adwick and Sheffield
- +4 Firm SX Off Peak rights between Adwick and Sheffield
- +9 Firm SO rights between Adwick and Sheffield
- +1 Firm SX AM Peak right between Sheffield and Adwick
- +1 Firm SX PM Peak right between Sheffield and Adwick
- +4 Firm SX Off Peak right between Sheffield and Adwick

+6 Firm SO rights between Sheffield and Adwick

Added additional routing description into the section between Bridlington/Hull <-> York/Selby to make the tables clearer.

Housekeeping of service routing between Hull/Bridlington and York plus the conversion of +1 contingent right to firm

-1 Firm SuO right between Hull and York (via ECML)

-1 Firm SuO right between York and Hull (via ECML)

+1 Firm SO right between York and Selby

+1 Firm SuO right between York and Hull (via Sherburn)

+1 Firm SX Off Peak right between York and Selby (via Sherburn)

-1 Firm SX Off Peak right between Bridlington and York (via Sherburn)

+1 Firm SX Off Peak right between Bridlington and York (via ECML)

**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.

The consolidated contract on the ORR website includes the required changes for the June 24 Timetable and the implementation of PR23.

The 55<sup>th</sup> SA is currently out for internal consultation within Network Rail and is seeking a contract extension of 2 years to PCD 2027. This has been approved at SOAR panel and is expected to be sent out for industry consultation shortly.

## 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 57<sup>th</sup> SA will provide continuity of current NTL services as well as providing extra capacity at peak times between Leeds and York (via Micklefield). By seeking to convert long held contingent rights and extending some contingent rights for a further 12 months, NTL is able to plan and provide service continuity with a reasonable level of assurance.

**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 June 24 timetable (which is what the Dec 24 timetable is based off of) has been fully validated and offered by Network Rail, this includes the contingent rights that NTL are seeking an extension of or conversion to firm rights. The minor uplifts have been shown to be accommodated within an ESG 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.

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?

N/A

## 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.

**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.

**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.

**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 57<sup>th</sup> SA are broadly in line with the agreed new specification for Dec 24 as published by the PMO.

## 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



- (iii) 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 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.

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.

The 57th SA contains changes which have been made within the 55<sup>th</sup> SA (contract extension to 2027) namely relinquishing unused rights in multiple tables. The 55<sup>th</sup> SA has been approved at SOAR Panel and is shortly about to commence industry consultation.

**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.

Comments in support of the application received from:  
Amey Infrastructure, Wales  
WYCA

Comments requiring further information received from:  
Avanti

Comments objecting to the proposals:  
XC Trains  
GBRF

### 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.

### 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: [track.access@orr.gov.uk](mailto:track.access@orr.gov.uk)