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## **Hull Trains Company Limited Conditions Precedent**

Dear Andy,

Thank you for your email of 5 December 2023 providing evidence as to how you have met the Conditions Precedent in the Hull Trains Company Limited (Hull Trains) track access contract dated 17 March 2016 (the Contract).

Clause 3.7 of the Contract requires Hull Trains to provide ORR with evidence reasonably satisfactory to ORR of its compliance with the following conditions:

“3.7.1 To introduce into service a new fleet of Class 802 trains onto the network the Train Operator shall by no later than Principal Change Date 2023 (in sufficient time to enable ORR to comply with Clause 3.7.2 below) provide ORR with evidence reasonably satisfactory to ORR of its compliance with the following conditions:

a) The firm rights to use the Class 802 bi-mode 5-car units contained within 5.1 of Schedule 5 are subject to all processes concerning the introduction of these vehicles being completed and the agreement of any compensation due to Network Rail associated with the costs of accommodating this new Specified Equipment. Use of the vehicles to operate the Passenger Train Slots in table 2.1 would be dependent upon their performance being equal to or exceeding that of the relevant timing load and the sufficiency of the traction current supply; and

b) Network Rail and Hull Trains to have agreed a robust service recovery / contingency plan to mitigate the impact on performance of the introduction Class 802 Bi-Mode 5-car Units; and

c) commitment to invest in a suite of minor station, siding and other investments to enable these vehicles to run on the network provided that where the Train Operator’s failure to comply with the conditions in paragraph (c) above is attributable to the Train Operator’s failure to obtain planning permission or landowner consents, having made reasonable endeavours to obtain these, condition 3.7.1 (c) shall no longer apply.”

We are satisfied that the evidence provided by Hull Trains on 5 December 2023 meets these conditions. We have not published or referenced this evidence as it is commercially sensitive. This letter is ORR's written confirmation that Hull Trains has met the Investment Conditions. I therefore confirm that the Expiry Date of the Contract remains the Principal Change Date in 2032.

We will continue to monitor the remainder of the committed investments that are due to take place during 2024 and ask Hull Trains to provide regular updates on these.

I am copying this letter to Mark Garner at Network Rail. We will be publishing this letter on our website.

Yours sincerely

**Gareth Clancy**