

**David Reed**  
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26 November 2019

Mark Garner  
Customer Manager  
Network Rail Infrastructure Limited  
George Stephenson House  
Toft Green  
York  
YO1 6JT

Louise Mendham  
Planning and Performance Manager  
First Hull Trains  
4th Floor, Europa House  
184 Ferensway  
Hull  
HU1 3UT

Dear Mark and Louise,

## **Approval of the eighteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Hull Trains Company Limited**

1. The Office of Rail and Road (ORR) has today approved the eighteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Hull Trains Company Limited (Hull Trains), submitted to us formally on 26 November 2019 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains our decision.

### **Purpose of the agreement**

2. This agreement provides Hull Trains with contingent rights to run one additional Sunday return service between London Kings Cross and Hull from the Principal Change Date in December 2019 to the Subsidiary Change Date in May 2021.

3. This agreement also extends the contingent rights for one existing return London Kings Cross – Hull service from the Subsidiary Change Date in May 2020 until the Subsidiary Change Date in May 2021.

### **Consultation**

4. Network Rail consulted the industry on these services in August and September 2019. Transport Focus and South Yorkshire Passenger Transport Executive responded supporting the application.



5. London North Eastern Railway responded, noting that the rights sought are in line with Network Rail's East Coast Main Line policy, and that as long as the new services pass the Not Primarily Abstractive (NPA) test, it had no objection to the application.

### **ORR's review**

6. We reviewed the application and it did not raise any operational concerns. We note that the rights applied for are in line with Network Rail's current policy only to agree to the sale of additional rights on the East Coast Main Line on a contingent basis until the Subsidiary Change Date in May 2021.

#### *NPA test*

7. We conducted our Not Primarily Abstractive (NPA) test on the additional Sunday services. We were satisfied that the proposals would not be primarily abstractive.

### **ORR's conclusions**

8. Following our review of the application, we are content that there are no operational, performance or economic concerns which should preclude our approval.

9. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this agreement is consistent with our section 4 duties, in particular those relating to:

- protecting the interests of users of rail services;
- promoting the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contributing to the development of an integrated system of transport of passengers and goods;
- promoting competition in the provision of railway services for the benefit of users of railway services; and
- enabling persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

### **Conformed copy of the track access contract**

10. Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and Hull Trains. ORR's copy should be sent for my attention.

## **Public register and administration**

11. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. The parties have not asked us to redact anything (as provided for by section 71(2) of the Act) prior to placing it on the register.

12. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport. Copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Peter Craig at Network Rail and Phil Dawson at LNER.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Reed', is written in a cursive style.

**David Reed**