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08 February 2022

Mark Garner
Customer Manager
Network Rail Infrastructure Limited
George Stephenson House
York
YO1 6HP

Louise Mendham
Production Director
Hull Trains Company Limited
4th Floor, Europa House
184 Ferensway
Hull
HU1 3UT

Dear Mark and Louise,

Approval of the twenty-third 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 twenty-third 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 07 February 2022 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 extends the duration of existing contingent rights for Saturday and Sunday services between London Kings Cross and Hull from the Subsidiary Change Date in May 2022 to the Subsidiary Change Date in May 2023.

3. ORR initially approved the Saturday access rights through the sixth supplemental agreement on 8 December 2017, and then extended these rights and added additional Sunday access rights through the eighteenth supplemental agreement on 26 November 2019. The rights were further extended to May 2022 through the twentieth supplemental agreement. These rights are time-limited in line with Network Rail's East Coast Main Line rights policy, which is only to sell additional rights on that route on a time-limited and contingent basis. In line with Network Rail's revised East Coast Main Line rights policy, the rights are now being extended to expire in May 2023.

Consultation

4. Network Rail undertook an industry consultation in December 2021. CrossCountry and Transport Focus supported the application; Great Western Railway and West Yorkshire Combined Authority confirmed they had no objections.



ORR's review and conclusions

5. We reviewed the application and it did not raise any concerns. We reviewed the economic case for these rights in our consideration of the sixth and eighteenth supplemental agreements. We are therefore content to approve the application.

6. 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

7. 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

8. 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.

9. Copies of this letter, the approval notice and the agreement will be sent to the Department for Transport. Copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter to Network Rail.

Yours sincerely,

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

David Reed