

**David Reed**  
Senior Executive, Access & Licensing



12 September 2023

Mark Garner  
Customer Manager  
Network Rail Infrastructure Ltd  
Floor 48, George Stephenson House  
Network operations, Toft Green  
York YO1 6JT

Andy Wylie  
Head of Regulation  
East Coast Trains Ltd  
8th Floor, The Point  
37 North Wharf Road  
London W2 1AF

Dear Mark and Andy,

**Approval of the 9th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and East Coast Trains Limited dated 3 October 2016**

We have today approved the above supplemental agreement submitted to us formally on 12 September 2023 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 the reasons for our decision.

**Purpose**

The purpose of this agreement is to allow East Coast Trains Limited (trading as “Lumo”), to remove 8 seats on each of its trains to replace them with floor mounted luggage racks. This proposal aims to increase passenger comfort and safety.

**Industry consultation**

No consultation was required as the change does not impact any third party.

**ORR review**

Our review of the application raised no operational, performance or economic concerns. Lumo has advised that the change to seating capacity has no effect on the business plan as originally submitted to ORR. ORR welcomes the passenger comfort and safety benefits that this change will provide.



## **Our duties under section 4 of the Act and our decision**

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

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

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 the Train Operator. Please send the conformed copy to me at ORR.

## **Public register and administration**

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Reed', is positioned below the text 'Yours sincerely'.

**David Reed**