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Dear applicants and Network Rail,

### **Open access applications for access to the East Coast Main Line (ECML)**

1. We have carefully considered five applications to extend or add to existing open access services on the ECML through supplemental agreements to the track access contracts with Network Rail Infrastructure Limited (Network Rail). The applications were made by East Coast Trains Limited (Lumo), Grand Central Railway Company Limited (Grand Central) and Hull Trains Company Limited (Hull Trains) and were submitted to us under section 22A of the Railways Act 1993 (the Act) between January and May 2024.

2. ORR's decisions to approve some of these applications will offer passenger opportunities for extra direct rail links between London King's Cross and Glasgow, Hull and Newcastle and introduce services to other ECML linked destinations, including Seaham. Our decisions also provide additional opportunities for services between Wakefield and Bradford. These decisions help provide clarity, transparency and certainty for open access, freight and public service operators on the ECML in advance of implementing the December 2025 timetable.

3. We have approved an application from Lumo for one additional return service between London King's Cross and Newcastle on weekdays and one additional service in opposing directions on a Saturday and Sunday, and the extension of existing calls at Stevenage.

4. We have approved the following elements from three of the applications:

- Grand Central – two additional Wakefield Kirkgate – Bradford Interchange services on weekdays and Saturdays; one additional Bradford Interchange – Wakefield Kirkgate service on weekdays and Saturdays; and one additional Bradford Interchange – Wakefield Kirkgate service in each direction on Sundays, and some time-limited additional Seaham calls on existing services, all on a contingent basis;
- Hull Trains – one additional northbound service on weekdays and Saturdays between London King’s Cross and Hull; and
- Lumo Glasgow extensions – the extension of two existing northbound and one existing southbound service between Edinburgh and Glasgow on weekdays and one extension in each direction on Sundays.

5. We have rejected the Hull Trains application for new services between London King’s Cross and Sheffield in its entirety.

6. We will now work with the parties on the details of the supplemental agreements that we will direct Network Rail to enter into. The parties will need to engage with us at pace to enable this to happen promptly to provide certainty for the December 2025 timetable. This letter explains in detail the reasons for our decisions.

## **Background**

7. On 24 April 2024, ORR wrote to industry setting out a process for access applications for December 2024, May 2025 and December 2025, given our expectation (as confirmed by Network Rail) that we would receive numerous complex and competing applications across that period. Applications were submitted to ORR for direction as “unsupported” applications, as Network Rail was not able to agree there was sufficient capacity to accommodate any proposals in order to submit agreed applications for our approval.

8. As part of this process, we received five applications from three existing ECML open access operators (Grand Central, Hull Trains and Lumo) for additional services:

- Grand Central 28th supplemental agreement: application for access rights to run an additional five daily services between London King’s Cross and Bradford Interchange, Wakefield Kirkgate and York, additional services between Bradford Interchange and Wakefield Kirkgate and some additional calls on existing services at Seaham and Peterborough;
- Hull Trains 27th supplemental agreement: application for access rights to run two additional services between London King’s Cross and Sheffield and one return service between Meadowhall and Sheffield;
- Hull Trains 32nd supplemental agreement: application for access rights to run one additional return service between Hull and London King’s Cross;

- Lumo 16th supplemental agreement: application for access rights to run one additional return service between London King's Cross and Newcastle and the extension of existing additional stops at Stevenage on existing services; and
- Lumo 17th supplemental agreement: application for access rights to run up to six extensions of existing London-Edinburgh Lumo services between Edinburgh and Glasgow.

9. These applications include some services which Network Rail has included in the ECML December 2025 timetable.

10. The ECML Event Steering Group (ESG) was set up to transparently develop a timetable which considered the service specifications and aspirations of timetable participants for implementation. This process was cross-industry, involving public service, freight and open access operators. Since 2019, because of the challenges producing the timetable Network Rail has deferred its implementation twice and offered operators only contingent or time-limited rights, providing limited certainty for businesses.

11. During this period of uncertainty, where Network Rail has only been willing to offer short term or contingent rights, ORR has directed access on the ECML. These directions have aimed to provide some certainty to passenger and freight operators with the associated benefits for their customers, while industry and funders agreed a long-term solution.

12. In late 2024, the Secretary of State and Department for Transport (DfT) accepted the recommendation to start the timetable in December 2025. This follows investment by the DfT in rolling stock and infrastructure to enable faster and more frequent services on the ECML.

13. In assessing the Network Rail position on these applications ORR has also assessed Network Rail's final position on the services included in the ECML December 2025 timetable for public service and freight operators to ensure consistency and fairness in alignment with our duties. We have done this at a detailed level reviewing interactions or conflicts on an individual right basis to provide assurance on Network Rail's approach.

### **ORR's role and approach**

14. Under the Act a train operator may only enter into amendments to a contract with Network Rail for the use of its network following ORR's approval or direction. If Network Rail and a train operator reach agreement, they jointly submit the proposed amendments for our approval under section 22 of the Act. If they cannot reach agreement, the train operator can apply under section 22A of the Act and ask us to direct Network Rail to enter into the amendments to the contract. These applications were made under section 22A.

15. We must determine all track access applications in accordance with our statutory duties, which are set out mainly in section 4 of the Act. The weight we place on each duty is a matter for us depending on the circumstances of each case. Where the duties point in different directions, we weigh them against each other to help us reach a decision.

16. Although our duties are wide ranging, our experience generally is that a subset tends to be especially relevant to access decisions with the others not pointing strongly one way or the other. For these applications we considered the following duties were the most relevant:

- promote improvements in railway service performance (which is defined as including in particular, performance in securing (a) reliability (including punctuality), (b) avoidance or mitigation of passenger overcrowding, and (c) that journey times are as short as possible);
- otherwise protect the interests of users of railway services;
- promote the use and development of the network for passengers and goods to the greatest extent that we consider economically practicable;
- promote competition in the provision of railway services for the benefit of rail users;
- enable persons providing railway services to plan the future of their businesses with reasonable assurance; and
- have regard to the funds available to the Secretary of State and [their guidance](#).

17. ORR is supportive in principle of open access, by which we mean passenger services provided outside of a public service contract. This reflects our duty to promote competition for the benefit of rail users. Where there is sufficient capacity, we recognise that competition can make a significant contribution to innovation in terms of the routes served, ticketing practices and service quality improvements, by both the new operator and through the competitive response of existing operators.

### **Industry consultation and stakeholder views**

18. A full industry consultation was carried out for each application between spring and summer 2024 by Network Rail. Following receipt of Network Rail's final representations, ORR offered industry a further opportunity to comment in May 2025. Throughout the process we received and considered correspondence from multiple stakeholder groups on each application. All responses received from the industry consultation and the opportunity to comment were shared with the applicants and their responses to these comments were considered by us in our analysis.

19. For each of the applications we also received a number of supportive comments from MPs, local councils and other groups, and members of the public who were keen to have additional or new services provided for their local area.

### ***Grand Central 28th***

- Supportive comments on the application were received from South Yorkshire Combined Authority, Transport Focus and West Yorkshire Combined Authority.
- Unsupportive comments were received from a combination of public service train operators and freight operators. Their concerns largely related to how the

services would be accommodated in the ECML December 2025 timetable, and potential capacity and performance impacts including on operators' own plans. LNER specifically raised concerns on abstraction, capacity, performance, and running of diesel services on electrified routes.

- DfT did not support the application. DfT raised concerns over the impact of these services on its plans for additional services on the route, and also on revenue abstraction.

#### *Hull Trains 27th*

- Supportive comments on the application were received from South Yorkshire Mayoral Combined Authority and Transport Focus.
- Unsupportive comments were received from a combination of public service train operators and freight operators. Their concerns largely related to how the services would be accommodated in the ECML December 2025 timetable, and potential capacity and performance impacts including on operators' own plans. East Midlands Railway, LNER and Northern specifically raised concerns on abstraction, capacity and performance.
- DfT did not support the application. DfT raised concerns over the impact of these services on its plans for additional services on the route, and also on revenue abstraction.

#### *Hull Trains 32nd*

- Supportive comments on the application were received from Transport Focus.
- Unsupportive comments were received from a combination of public service train operators and freight operators. Their concerns largely related to how the services would be accommodated in the ECML December 2025 timetable, and potential capacity and performance impacts including on operators' own plans. LNER specifically raised concerns on abstraction, capacity and performance.
- DfT did not support the application. DfT raised concerns over the impact of these services on its plans for additional services on the route, and also on revenue abstraction.

#### *Lumo 16th*

- Supportive comments on the application were received from London TravelWatch and Transport Focus.
- Unsupportive comments were received from a combination of public service train operators and freight operators. Their concerns largely related to how the services would be accommodated in the ECML December 2025 timetable, and

potential capacity and performance impacts including on operators' own plans. LNER specifically raised concerns on abstraction, capacity and performance.

- DfT did not support the application. DfT raised concerns over the impact of these services on its plans for additional services on the route, and also on revenue abstraction.

#### *Lumo 17<sup>th</sup>*

- Supportive comments on the application were received from Transport Focus.
- Unsupportive comments were received from a combination of public service train operators and freight operators. Their concerns largely related to how the services would be accommodated in the ECML December 2025 timetable, and potential capacity and performance impacts including on operators' own plans. ScotRail specifically raised concerns on abstraction, capacity and performance.
- DfT did not support the application. DfT raised concerns over the impact of these services on its plans for additional services on the route, and also on revenue abstraction. DfT also asked for us to ensure that the views of the Scottish Government were fully considered.
- Transport Scotland wrote to us in May 2025 advising that it was strongly supportive of the proposed services. Transport Scotland advised that it sees clear benefits for direct connectivity between Glasgow, the northeast of England and the ECML.

20. On 20 June 2025 we received a letter from DfT. Much of the letter reiterated DfT's previously stated position on Open Access from SoS guidance and previous representations for past applications. However, with regard to the impact of open access on the Secretary of State's funds, it said "it is critical that the ORR takes steps to fully understand and consider the cumulative scale and impacts of abstraction when it assesses Open Access applications".

21. We have since written publicly to DfT to clarify our approach to open access and communicate that we intend to proceed with our decision-making on these five open access applications without adjusting our established approach to assessing the impact on funds available to Secretary of State.

22. We told DfT in our letter we would proceed with decision-making on the ECML in line with our published policy unless it wrote to us by Monday 7 July to ask us to delay the process. It did not do so, and we proceeded with our decision-making accordingly.

### **Statutory Consultation**

23. As Network Rail was unable to support the applications, the train operators submitted their applications under Section 22A of the Act. We conducted a statutory consultation on each application with Network Rail to elicit the capacity and performance analysis we required to determine the application.



24. We set the expectation that applications submitted to us by 20 May 2024 “be of sufficient quality, completeness, and certainty to enable Network Rail, industry and ORR to assess them”.

25. We received final representations from Network Rail for the EMCL open access applications 12 months later, in May and June 2025. It is only now that we have received the quality of information to fully assess and make decisions on these applications.

26. Network Rail is clear on its position on the applications from Grand Central, Hull Trains and Lumo. It has said it can accommodate services that have already been included in the ECML December 2025 timetable, which is published.

27. We set out further detail on Network Rail’s views in the sections on capacity and performance, and in the sections on each individual application, below.

### **Engagement with the parties**

28. In addition to the industry and statutory consultations, when reviewing an application we may hold discussions with the parties, seeking and clarifying the information we need to make our final decision. In this case we have engaged fully with the applicants and Network Rail throughout the course of these applications.

29. The applicants also took the opportunity to provide further detailed submissions to us. In reaching our decision, we considered all the material provided by the applicants and other stakeholders.

### **Our analysis of the applications**

30. Our assessment of these applications has concluded that the availability of capacity on the ECML, and the impacts of additional services on ECML timetable performance, are determinative factors alongside our economic assessment. We set out below these considerations. We then go on to look at each application in turn.

#### *Congested Infrastructure*

31. In March 2025, following ORR repeatedly querying the status of capacity on the ECML, Network Rail declared congested infrastructure in three areas. This declaration is effective from the start date of the ECML December 2025 timetable (meaning Network Rail considers the areas congested once it has accommodated services included in the timetable). The sections of route declared congested are between Huntingdon and Peterborough, between Doncaster and Leeds, and between Northallerton and Newcastle.

32. These areas of congestion underscore the ECML’s current capacity limitations. In our view this highlights the need for careful, incremental timetable adjustments within the framework of the December 2025 timetable. It also emphasises the need for strategic planning and stakeholder coordination to optimise available network resources. We expect Network Rail’s planned capacity studies for these areas will support future enhancement and operational decisions to alleviate capacity and performance concerns.

### *Power supply*

33. Network Rail undertook power modelling as part of the ECML timetable development process with operators across both Eastern Region and Scotland's Railway. It is concerned with the increase in bi- or tri-mode trains running in electric mode on the ECML. As a result, Network Rail is considering operational restrictions on the use of electric traction for these trains. We consider that this can be addressed through standard industry processes and should not preclude our approving any of the proposed access rights.

### *ECML Timetable Performance Analysis*

34. Network Rail has consistently and transparently said that the implementation of the ECML December 2025 Timetable will lead to a deterioration in punctuality for customers (Network Rail's representations state -1.7pp at T-3<sup>1</sup>, while it stated -1.9pp in its submission to ORR as part of the performance reset discussions). However, it maintains the December 2025 timetable is a better use of capacity compared to the current timetable. Our understanding is that Ministers received frequent briefings on this forecast and decided to direct Network Rail to proceed with implementation.

35. Alongside those areas declared congested (where demand exceeds capacity at specific times), we agree that there are significant pinch points at York and Welwyn (Viaduct) in the south which impact timetable performance. Network Rail advises against an increase in services above those planned in the December 2025 timetable in these two areas. Performance at York plays a key role on the ECML and also on trans-Pennine routes into Birmingham and the West Coast Main Line (WCML). Welwyn is critical to the whole ECML due its proximity to London and the number of London King's Cross services.

36. ORR has been closely monitoring performance on Eastern Region and holding it to account on its updated improvement plans, produced in collaboration with industry. We are content that these plans which cover safety, operations, traffic management and infrastructure mitigations, along with specific readiness activities for the introduction of the timetable, will support the delivery of the ECML December 2025 timetable as it is currently planned. We agree that the introduction of long-distance high-speed services above those specified in the ECML December 2025 timetable will apply further pressure to punctuality and reduce timetable resilience across the whole network.

### *ORR conclusion on ECML capacity and performance*

37. We have analysed interactions or conflicts on an individual right basis to provide assurance on Network Rail's approach. In doing so, we have compared the additional rights for open access against additional rights Network Rail has included for other operators to ensure it is not unduly discriminatory. The allocation of additional rights (or rights with greater certainty) appears proportionate across all operators and aligns

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<sup>1</sup> 'Time to 3': the percentage of recorded station stops arrived at early or less than 3 minutes after the scheduled time.

accurately with the December 2025 timetable. Equally, we have concluded that those rights for all operators that Network Rail cannot accommodate should be rejected to preserve the delivery of the timetable and avoid further deterioration in performance.

38. Our review of the wider capacity and performance information on the ECML December 2025 timetable and the information we requested from Network Rail leads us to agree with its position. Our understanding of Network Rail's evidence is that to deliver the ECML December 2025 specification that performance will dip in the first year, but that industry has mitigations to support performance improvements in the second and third years of operation. We will continue to hold Network Rail to account on both its improvement plan and on readiness activities, to ensure the proposed timetable delivers the benefits to passengers and freight operators.

39. We consider the amount of proposed open access services that Network Rail has said can be accommodated and has included in the ECML December 2025 timetable applications can have access rights approved. Network Rail produced the timetable through a cross-industry process, and DfT have endorsed it, with clear visibility of the forecast performance outcome resulting from the significant additional train services that the timetable introduces.

## **The applications and our assessment**

### **Grand Central 28th – *various additional services***

40. Grand Central's 28th application contains the following additional rights from December 2025 to December 2027:

Monday – Saturday:

- two additional return services between Bradford Interchange and London King's Cross;
- one additional return service between York and London King's Cross;
- one additional service between London King's Cross and Wakefield Kirkgate;
- two new services in each direction between Wakefield Kirkgate and Bradford Interchange; and
- Additional calls at Peterborough and Seaham Stations in some services.

Sunday:

- one additional return between Bradford Interchange and London King's Cross;
- one new return service between York and London King's Cross; and
- Peterborough and Seaham station calls to be added in some services.

41. Grand Central proposes using diesel rolling stock to operate the services. It considers that the proposals will provide additional direct services and/or significant improvements to journey times.

### *Capacity and performance assessment*

42. Network Rail has said it cannot accommodate any of the additional services to or from London. Network Rail can accommodate on a contingent<sup>2</sup> basis:

- two additional Wakefield Kirkgate – Bradford Interchange services on weekdays and Saturdays;
- one additional Bradford Interchange – Wakefield Kirkgate service on weekdays and Saturdays; and
- one additional Bradford Interchange – Wakefield Kirkgate service in each direction on Sundays.

43. These trains are all in the working timetable for December 2025 as empty coaching stock ('ECS') moves and the services are not on the main ECML. Converting these to passenger services does not add quantum to the train plan or undue performance risk. Network Rail has requested that in the event of us granting these rights we do so on a contingent basis due to the potential for Grand Central needing to adjust its depot strategy, and consequently ECS moves, from 2028. There is no operational reason precluding our granting access rights for these services on this basis.

44. Additionally, Network Rail has said the following station calls on existing services can be accommodated on a contingent basis until December 2026:

- one additional Peterborough call each way on weekdays and Saturdays, two additional Peterborough calls each way on Sundays; and
- four additional Seaham calls each way daily.

45. Network Rail has advised that while the Peterborough calls can be included in the December 2025 ECML timetable, they were not assessed as part of the ECML Timetable Performance analysis. On this basis Network Rail requested that if approved, this is only on a time-limited and contingent basis, with performance analysis being able to be conducted on the calls as they enter service. There is no operational reason precluding our granting access rights for these calls on this basis.

46. Network Rail advised that the additional Seaham calls may conflict with firm rights already granted to Nexus (the Tyne & Wear metro operator) for an additional train per hour to/from Sunderland. On this basis Network Rail requested the rights are approved on a time-limited and contingent basis, with no presumption of continuity of rights beyond December 2026. We consider this approach to be pragmatic in offering passengers the services for a minimum of 12 months. However, we recognise the time-limited and contingent basis does not offer operators or passengers certainty beyond December 2026.

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<sup>2</sup> Train operators can have two types of access rights: when timetabling, Network Rail must first accommodate firm rights held by operators. Contingent rights are only accommodated if there is space after all firm rights are dealt with, and therefore give operators less certainty.



We expect Network Rail to explore potential continuation of these services with Grand Central alongside other firm rights beyond December 2026.

#### *Economic assessment*

47. We carried out our NPA test on the full application, and on the subsets of the application which we viewed could be accommodated on the network.

48. The full application fails the NPA test (0.23:1) with an absolute abstraction of £7.6m p.a..

49. The Wakefield Kirkgate-Bradford Interchange subset passes the NPA test (0.49:1) and has a small level of absolute abstraction (£0.07m p.a.).

50. The additional calls at Seaham pass the NPA test (0.63:1) and have a small level of absolute abstraction (£0.06m p.a.).

51. The additional calls at Peterborough do not pass the NPA test (0.10:1).

#### **Hull Trains 27th – new London-Sheffield services**

52. The Hull Trains Sheffield application is for two daily return rights from London King's Cross to Sheffield via Retford with intermediate stops at Worksop and Woodhouse and one daily return service between Meadowhall and Sheffield. These services would run from May 2026 until December 2032.

#### *Capacity and performance assessment*

53. Network Rail said it cannot accommodate any of the access rights within this application. They have not been included in the ECML December 2025 timetable as there are conflicts with specified services and inclusion would result in a further worsening of performance at the London end of the ECML. Our consideration of the evidence provided supports Network Rail's position on the capacity and performance constraint of the timetable.

#### *Economic assessment*

54. We carried out our NPA test on the full application. The application fails the NPA test (0.19:1) with an absolute abstraction of £2.2m p.a.

#### **Hull Trains 32nd – additional London-Hull services**

55. The Hull Trains 32nd application is for one return right between London King's Cross and Hull on weekdays and Saturdays. The services would run from December 2025 until December 2032.

### *Capacity and performance assessment*

56. Network Rail said the northbound access rights (one service daily, weekdays and Saturday) sought in this application can be accommodated and they are as Network Rail expected in the planned ECML December 2025 Timetable. However, it cannot accommodate the southbound return path as the service in the Proposed ECML December 2025 timetable. Our consideration of the evidence supports Network Rail's conclusion that inclusion of the southbound service would increase performance risk and introduce capacity trade-offs. There is no operational reason precluding our granting access rights for the northbound path.

### *Economic assessment*

57. We carried out the NPA test on the full application, and on the subsets of the application which we viewed could be accommodated on the network.

58. The full application passes the NPA test (0.42:1) with an absolute abstraction of £1.9m p.a.

59. The Hull Trains 32nd subset that is included in the ECML December 2025 timetable (one additional daily northbound service from London to Hull, Monday to Saturday) passes the NPA test (0.32:1) and has a small level of absolute abstraction (£0.6m p.a.).

### **Lumo 16th – additional London-Newcastle services**

60. Lumo's 16th application is for one return right between London King's Cross and Newcastle on weekdays and one train in opposing directions on Saturday and Sunday, and to extend existing rights to call at Stevenage. The access rights would run from December 2025 until May 2033.

### *Capacity and performance assessment*

61. Network Rail said it can accommodate this application as the services are included in the ECML December 2025 timetable and it has no concerns with the proposed services. We agree with Network Rail from a capacity and performance perspective.

### *Economic Analysis*

62. The Lumo Newcastle services can be accommodated as a whole in the ECML December 2025 timetable. Our central NPA test result is a pass at (0.30:1) based on Lumo fares being 23% lower than LNER. Lumo's proposal has peak fares 53% and off-peak 27% lower than LNER (with a higher NPA result). The NPA result of this application is very sensitive to Lumo's fare pricing. However, given the small numbers of new "generative" passengers needed for the proposal to pass and the historic tendency to underestimate generation by Lumo, we consider that central test result of (0.30:1) is the best estimate.

63. The level of absolute abstraction (£1.6m p.a.) is within the range previously approved by ORR.

64. We did not include the extension of the additional Stevenage calls in our economic assessment. These services are already running under time-limited contingent rights, and we previously carried out an economic appraisal of these rights in our assessment of Lumo's 5th supplemental agreement.

### **Lumo 17th – Edinburgh-Glasgow extensions**

65. Lumo's 17th application is for four return rights between Edinburgh and Glasgow Queen Street on weekdays, five rights on Saturdays and three rights on Sundays with an additional Glasgow Queen Street to Edinburgh right daily. These services will operate as extensions of existing London King's Cross to Edinburgh services and provide access to the ECML from Glasgow.

#### *Capacity and performance assessment*

66. Network Rail said it can partially accommodate this application. It has accommodated two northbound rights and one southbound right between Edinburgh and Glasgow Queen Street on weekdays and one right in each direction on Sundays. These rights are all extensions of existing services. Our review supports Network Rail's position that the other extensions in the application could not be accommodated. Lumo has confirmed that it is happy to accept and operate this level of services.

#### *Economic assessment*

67. We carried out our NPA test on the full application, and on the subsets of the application which we viewed could be accommodated on the network.

68. The full application fails the NPA test (0.21:1) with an absolute abstraction of £20.1m p.a.

69. The subset of Lumo's Glasgow application that is included in the ECML December 2025 timetable passes the NPA test (0.64:1). The level of absolute abstraction is £1.8m p.a. which is within the range previously approved. The timetabled services also involve a considerably smaller amount of abstraction than the full application is forecast to produce. These services also pay the Infrastructure Cost Charge (ICC) (£0.2m p.a.) and will contribute towards the fixed costs of the network.

### **Conclusion**

70. We determined these applications in light of (a) ORR's policies and (b) ORR's statutory duties. None of the duties has higher priority than the others in the legislation. It is for the ORR to decide, first, which duties are relevant to this application, and secondly, where the relevant duties point in different directions, it is for ORR to give each of them the weight it considers most appropriate. We have identified below the duties which we consider most relevant to these applications.

*Summary of our assessment against our policy:*

**71. Operational viability and ability to use:** We have no concerns about operational viability as each of the applicants is already operating on the network and have demonstrated their intention to run the services we propose to approve.

**72. Capacity:** Our assessment is that the quantum of proposed services that Network Rail can accommodate and have included in the ECML December 2025 timetable from each of the Grand Central, Hull Trains and Lumo applications should have those subsets of access rights approved to ensure the delivery of the ECML December 2025 timetable. We consider those that Network Rail cannot accommodate should be rejected. The following services can be accommodated:

- Grand Central 28th – two additional Wakefield Kirkgate – Bradford Interchange on weekdays and Saturdays; one additional Bradford Interchange – Wakefield Kirkgate on weekdays and Saturdays; and one additional Bradford Interchange – Wakefield Kirkgate in each direction on Sundays, all on a contingent basis. Network Rail confirmed that the additional Seaham and Peterborough calls could also be incorporated on a time-limited and contingent basis into Grand Central paths incorporated into the ECML December 2025 timetable;
- Hull Trains 32nd additional Hull services – one additional London to Hull service Monday-Saturday;
- Lumo 16th Newcastle – one return right between London King's Cross and Newcastle on weekdays and one train in opposing directions on Saturday and Sunday; and
- Lumo 17th Glasgow extensions - two northbound rights and one southbound right between Edinburgh and Glasgow on weekdays and one right in each direction on Sundays.

**73.** We consider that the Hull Trains 27th Sheffield application should be rejected in its entirety on the basis of insufficient capacity as it cannot be accommodated in the timetable.

**74. Performance:** We have reviewed Network Rail's submission and, based on our detailed analysis of the information we have received, we accept Network Rail's conclusions. Our understanding is that to deliver the ECML December 2025 specification that performance will dip in the first year, but that industry has mitigations to support performance improvements in the second and third years of operation. The forecast performance impacts of the ECML December 2025 timetable, including the three additional long-distance high-speed open access services on the ECML which we have approved, are included in the CP7 reset performance trajectories under current consultation. Approving additional open access services above and beyond the industry's ECML December 2025 timetable would impact on that forecast and the achievement of it.

**75. NPA test:** Our published approach emphasises the role of the NPA test as a necessary (but not sufficient) condition to approving an open access application and as our main analytical tool for helping us weigh some of the duties we have found especially relevant in open access decisions. The conclusions of our analysis are:

- The Grand Central 28th Wakefield Kirkgate-Bradford Interchange services as accommodated by Network Rail pass the NPA test (0.49:1) and have a small level of absolute abstraction (£0.07m p.a.). The additional calls at Seaham also pass the NPA test (0.63:1) and have a small level of abstraction (£0.06m).
- The Grand Central 28th additional calls at Peterborough do not pass the NPA test.
- The Hull Trains 27th Sheffield application does not pass the NPA test.
- The Hull Trains 32nd additional Hull services subset that is included in the ECML December 2025 timetable passes the NPA test (0.32:1) and has a small level of absolute abstraction (£0.6m p.a.).
- The Lumo 16th Newcastle application has been accommodated as a whole in the ECML December 2025 timetable, passes the NPA test (0.30:1) and has a level of absolute abstraction (£1.6m p.a.) within the range previously approved.
- The Lumo 17th Glasgow extensions subset that is included in the ECML December 2025 timetable passes the NPA test (0.64:1) and has a level of absolute abstraction (£1.8m p.a.) that is considerably lower than the full application, and is within the range previously approved.

**76. Absolute abstraction:** The levels of abstraction in the subsets of applications we have approved are all within the range of open access applications ORR has previously considered. Each of the applications where we have approved a subset (Grand Central, Lumo Glasgow, and Hull Trains' additional Hull service) involves a considerably smaller amount of absolute abstraction than envisaged by the full applications.

### **Weighing ORR's duties:**

**77.** The NPA test informs the overall assessment of the application in respect of the weighing of potentially competing duties, in particular to exercise our functions in the manner which we consider best calculated to:

- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that we consider economically practicable
- enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance,
- promote competition in the provision of railway services for the benefit of users of railway services

- We also considered the duty to have regard to the funds available to the Secretary of State for the purposes of [her] functions in relation to railways and railway services and [her] guidance.

**78. Promote improvements in railway service performance** (which is defined as including in particular, performance in securing (a) reliability (including punctuality), (b) avoidance or mitigation of passenger overcrowding, and (c) that journey times are as short as possible). Despite the ECML December 2025 timetable having a reduction in performance initially, industry has mitigations which will support performance improvements in the second and third years of operation. We consider this should not preclude the approval of the subsets of rights contained within the ECML December 2025 timetable.

**79. Promote the use and development of the network to the greatest extent that we consider economically practicable:** ‘Use’ includes capacity, and the ECML December 2025 timetable represents the outputs from the cross-industry taskforce in 2024 and almost eight years of attempted timetable development work to deliver a recast timetable that makes best use of capacity. ORR has assessed the allocation of new additional rights and conversion from contingent to firm rights for open access, publicly controlled operators and freight operators and consider it a use of capacity which is economically practicable. The fact that all of the services which we are approving are already included in a working timetable that is at an advanced stage of implementation and mobilisation gives us a very high degree of confidence that the associated capacity can and will be used.

**80. Promoting competition in the provision of railway services for the benefit of users of railway services:** ORR has a policy of supporting greater on-rail competition, through enhanced open access, and there is some evidence that competition can bring real passenger benefits even on the competing franchised services. We support the approval of some new open access rights on the ECML in this decision.

**81. Enable persons providing railway services to plan the future of their businesses with reasonable assurance:** we consider that this duty does not necessarily point towards approval or rejection of the applications. However, it points towards us making timely and regulatory consistent decisions for the benefit of both applicants and incumbents to provide them certainty to plan their businesses with reasonable assurance. A timely decision consistent with regulatory precedent is important for these applications to provide operators confidence to proceed with the necessary actions to deliver the ECML December 2025 timetable in its entirety. Directing access decisions that are different to that timetable will require late changes of plan for the affected operators (which introduces uncertainty and implementation and performance risk).

**82. Having regard to funds available to the Secretary of State:** The NPA analysis informs but does not determine how we weigh relevant duties in reaching a final decision. We considered the modelled absolute level of abstraction impact of each application on the Secretary of State’s funds and the Secretary of State’s official representations to ORR. The relative size of abstraction means approval is consistent with this duty.

## Decision

83. We have considered carefully all of our duties and placed particular weight on our duties to **promote the use and development of the network to the greatest extent that we consider economically practicable, enable persons providing railway services to plan the future of their businesses with reasonable assurance, promote competition in the provision of railway services for the benefit of users of railway services and to have regard to the funds available to the Secretary of State.**

84. We have approved:

- Grand Central 28th – two additional Wakefield Kirkgate – Bradford Interchange rights on weekdays and Saturdays; one additional Bradford Interchange – Wakefield Kirkgate right on weekdays and Saturdays; and one additional Bradford Interchange – Wakefield Kirkgate right in each direction on Sundays, and some additional Seaham calls on existing services, all on a contingent basis;
- Hull Trains 32nd – one additional northbound right weekdays and Saturdays between London King's Cross and Hull;
- Lumo 16th Newcastle – full application, that is, one additional return right between London King's Cross and Newcastle on weekdays and one additional train in opposing directions on a Saturday and Sunday; and
- Lumo 17th Glasgow extensions - two northbound rights and one southbound right between Edinburgh and Glasgow on weekdays and one right in each direction on Sundays.

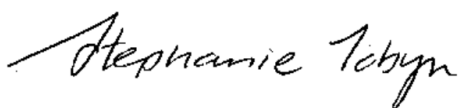
85. We have not approved additional elements of the above applications which cannot be accommodated in the ECML December 2025 timetable, on the basis of insufficient capacity and potential performance impacts.

86. We have not approved the Grand Central 28th additional Peterborough calls as they do not pass the NPA test.

87. We have rejected the Hull Trains 27th Sheffield application in its entirety, on the basis of insufficient capacity as it cannot be accommodated in the ECML December 2025 timetable.

88. I am copying this letter to Ellie Burrows at Network Rail and Richard Goodman at DfT. We will also place a copy on our website.

Yours sincerely

A handwritten signature in black ink, reading 'Stephanie Tobyn', is positioned above the printed name.

**Stephanie Tobyn**