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Senior Executive, Access & Licensing

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Andy Wylie
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Dear Mark and Andy

Approval of the 14th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and East Coast Trains Limited (trading as Lumo) dated 3 October 2016

We have today approved the above supplemental agreement submitted to us formally on 12 November 2024 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. ORR's approval of this application ensures that Lumo can provide continuity of services at Stevenage to its passengers from the Principal Change Date (PCD) in December 2024. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent application that Lumo has submitted in accordance with section 22A of the Act.

Concurrent section 22A application

On 24 April 2024 ORR [wrote to industry](#) to set out a process for access applications for the December 2024, May 2025 and December 2025 timetable changes. In that letter we asked industry to comply with a deadline of 20 May 2024 for applications for additional rights (or amended rights that change capacity parameters) for these timetable changes that met specific criteria. Lumo submitted such an application on 19 May 2024.

In reaching a decision on this supported 14th supplemental agreement, it is important to clarify that:

- ORR has reached its decision in the full knowledge of Lumo's concurrent section 22A application;

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- Lumo’s section 22A application remains “live” and we continue to try to progress it. However, ORR cannot reach a decision on that application as Network Rail has not yet completed its analysis. We continue to press Network Rail to complete its analysis as quickly as possible; and
- most importantly, the approval of the 14th supplemental agreement ensures that Lumo has approved access rights in the December 2024 timetable.

Purpose of 14th supplemental agreement

The purpose of the 14th supplemental agreement is to grant Lumo the rights necessary to continue to be able to stop all its services at Stevenage station, between the Principal Change Date (PCD) in December 2024 and the PCD in December 2025.

Network Rail noted that it could only agree to the requested additional access rights until the Principal Change Date (PCD) in 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond PCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation. London Travelwatch, Northern Trains, Transport Focus and West Yorkshire Combined Authority each replied noting they had no objections to the proposal. No other comments were received.

ORR review

Our review of the application raised no operational, performance or economic concerns. We noted that we had already previously carried out an economic appraisal of the additional rights in our assessment of the Lumo 5th supplemental.

We noted Network Rail’s position on the continuation of the additional rights beyond PCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the additional service rights beyond PCD 2025.

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

David Reed