

Claire Brooks
Access Executive

10 June 2025



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Louise Mendham
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Dear Mark and Louise

Approval of the 34th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Hull Trains Company Limited (trading as Hull Trains) dated 17 March 2016

We have today approved the above supplemental agreement submitted to us formally on 9 June 2025 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.

The purpose of this agreement is to allow Hull Trains to reinstate an additional calling point at Stevenage within table 4.1 of its track access contract with a contingent right that was removed accidentally when the contract was renewed in 2016. The accompanying footnote will be updated to reflect the current use of the stop which is 2 southbound calls (set down only) and 1 northbound call (pick-up only) on Sundays only and will commence on approval and cease at the Principal Change Date in December 2025.

Background

The Stevenage calling point was originally added in 2009 but accidentally removed from the contract on its renewal in 2016. Hull Trains has continued to call at Stevenage since 2016 (9 years) and this has been part of its timetable bid process since, as well as being in the December 2025 bid. Hull Trains had thought that the additional call at Stevenage was covered by Schedule 2, but this was found not to be the case, so it is now seeking to reinstate this into table 4.1. Once the error was discovered, a General Approval (33rd GA) was issued that covers this missing stop for 90 days on a contingent right basis only and ceases on the 16 June 2025.



Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Northern which had no issues, Transport Focus which was happy to accept, Transpennine which was also happy to accept, and West Yorkshire Combined Authority which had no observations.

ORR review

Our review of the application raised no operational, performance or economic concerns.

Our [Open Access Guidance](#) (paragraph 3.20) states:

“Once a service has been established, an application to approve an extension of the duration of access rights does not amount to a new competing service. We would not therefore expect to reassess such services against the ‘not primarily abstractive’ test.”

While these calls have not been in the contract since 2016, they were considered against our economic assessment policy when originally introduced in 2009 and have been in regular use since that point. With this in mind, we view that they should be treated as existing services which do not need an economic assessment in the form of the Not Primarily Abstractive test.

It is important that Network Rail ensure the services running on its network are reflected in the track access contracts they hold with operators. There is an ask of why this error was not picked up earlier and corrected as nine years is an exceptionally long time to allow this call to continue with no associated access right and for no one at Network Rail to highlight and correct.

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

C Brooks

Claire Brooks