

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Beneficiary company name:

First Rail Stirling Limited t/a Lumo (Cardiff to York Services)

1.2 Facility owner details:

Network Rail:	<input checked="" type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input checked="" type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

1.3 Application under the Railways Act 1993 section:

17	<input checked="" type="checkbox"/>	18	<input type="checkbox"/>	22	<input type="checkbox"/>	22A	<input type="checkbox"/>
				Supplemental Number:			
				Current contract date:			
				Current contract expiry date:			

1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	
	Public service contract end date:	
	Name of funder (e.g. DfT, Local Authority):	
	Does the funder support this application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Open Access <input checked="" type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:

Lumo's new Cardiff–York route will reduce travel time to around 4 hours 30 minutes. The operator will run six services each weekday – currently, this route sees one direct return service each weekday. Rail's mode share on this route is only 15% compared to 51% on well-served comparable flows. The new services are designed to capture mode share from car.

Bringing Lumo's low-cost model to the Cardiff–York corridor will support the communities FirstGroup proposes to serve. Cardiff, Birmingham, Derby, Sheffield, and York had a combined population of over 2.5 million people in 2021.

Lumo's new Cardiff–York route is uniquely positioned to join up the entire GB rail network. The five main cities on the route – Cardiff, Birmingham, Derby, Sheffield, and York – will enable Lumo to connect to all four main lines across the rail network ranging from the Great Western Main Line to the East Coast Main Line.

The plans also will deliver more capacity on an increasingly congested corridor while delivering intermediate connectivity across the route. The services are planned to start from December 2028 with a five-year agreement running until December 2033.

Proposed commencement date:	Dec 2028
End date:	Dec 2033
Date approval or directions wanted by:	

1.6 Industry consultation:

Who carried out the consultation?	
Consultation start date:	Consultation end date:
Not carried out <input checked="" type="checkbox"/>	

1.7 Applicant details

<p><u>Facility Owner</u> Company: Network Rail Infrastructure Limited Contact name: Job title: Address: Baskerville House, Centenary Square, Broad Street, Birmingham, B1 2ND</p> <p>Phone: E-mail:</p>	<p><u>Beneficiary</u> Company: East Coast Trains Limited Contact name: Stuart Jones Job title: Commercial Director Address: 8th Floor The Point, 37 North Wharf Road, London W2 1AF</p> <p>Phone: [REDACTED] E-mail: [REDACTED]</p>
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1.7 Date of application to ORR:

1.8 Checklist of documents attached to the application form:

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):

Business Prospectus (to ORR only)
Indicative F3 Prints – all days

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf.
 - if so, please name the proposed operating company:

2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

Lumo holds the necessary licence and safety certificates, but it is intended that this company will procure its own before start of operations.

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

The introduction of this service requires an amendment to complete Schedules 4 and 8 and a mechanism to achieve this is included in Schedule 11.

Rights to stop at stations prior to service commencement, for the purposes of testing have also been included in Schedule 5.

3.2 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

No safety risks have been identified from this proposal at this stage.

3.3 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

5 years.

3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

FirstGroup, the parent company of First Rail Stirling Limited, is a quoted company on the London Stock Exchange and the announcement of this new service and submission for rights is classed as share price sensitive so no discussions could take place until the stock market is informed of this proposal in the usual manner.

We expect to be able to work with Network Rail through the process to determine rights for services on the route and with capacity and paths confirmed we will be able to reach agreement with Network Rail.

We will continue to work collaboratively with Network Rail throughout the rights process on the detail.

3.5 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

Not applicable.

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

Not applicable.

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

Not applicable.

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

Not applicable.

4. The impacts of the proposal

4.1 Benefits: please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

The benefits of this proposal are to provide through passenger services between Cardiff and York, increasing the number of through journey opportunities and bringing new passengers onto the rail network.

Further detail on both the passenger and economic benefits to the region will shortly be provided (to the ORR only) as part of their decision-making process.

4.2 Capacity: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

A timetable study has been carried out and indicative F3 prints for all trains are included with this application.

Once discussions with Network Rail (NR) can take place, Lumo will work with NR to fully validate these paths, adjusting them as required.

4.3 Performance: What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

No detailed performance analysis has yet been carried out but as all paths are compliant and are not "forced", we anticipate minimal impact.

4.4 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

None.

5. The expression of access rights

5.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

The rights sought are detailed in the Schedule 5 tables attached in the draft agreement.

5.2 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

None.

5.3 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

The services are to be operated by existing class 222 units and the usual route acceptance processes will be undertaken in conjunction with NR.

5.4 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

Not applicable.

5.5 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

Not applicable.

5.6 Long Term Planning Process: Is the Long-Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

None of the rights sought are inconsistent with any Long-Term Planning Process and in any event the Network Code Part J "Better Use" conditions will apply to these services so granting these rights will not prevent other users utilising these paths in the future.

6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

6.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

The major overlaps are with TfW, Cross Country, Great Western, West Midlands, East Midlands, Trans Pennine Express, Northern and LNER.

6.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

7. Incentives

7.1 Train operator performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

The class 222 units are expected to provide reliable performance; FG has experience of operating this type of unit and they will be cascaded from the Stirling services when they receive new 80x units.

7.2 Facility owner performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

None.

7.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

Monitoring of services will be undertaken fully in line with industry practices and ORR requirements.

7.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

There is no intention to alter the model clause performance regimes.

8. Enhancement

8.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

The rights sought do not require additional enhancements above those already committed.

8.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

None

9. Other

9.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

The relevant Station and Depot Access Agreements will be entered into, and it is anticipated these will be made on a standard and consistent basis.

9.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

Details of the business plan, related financial information, side letters and other supporting information will be supplied to ORR on a commercially confidential basis in due course.

The commercial prospectus is regarded as commercially confidential.

9.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

Any financial information or third-party information that is marked confidential will therefore be treated as such and will not be included in any industry consultation process.

10. Pre-application consultation

10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

FirstGroup, the parent company of First Rail Stirling Limited, is a quoted company on the London Stock Exchange and the announcement of this new service and submission for rights is classed as share price sensitive so no discussions could take place until the stock market is informed of this proposal in the usual manner.

However, with the stock market announcement having now taken place, it is anticipated that the required consultation can commence without delay.

Who conducted the consultation?

Not applicable (yet) but NR would seem best placed to carry this out.

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

Not applicable (yet).

10.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

Not applicable (yet).

10.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

Not applicable (yet).

10.4 Subsequent Changes: Have any changes been made to the proposal following consultation?

Not applicable (yet).

11. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed(signed)..... Date ...28th October 2025.....

Name (in caps) ...Stuart Jones.....Job title ...Managing Director.....

For (company) First Rail Stirling Limited.....

12. Submission

12.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

12.2 Where to send it:

Email: track.access@orr.gov.uk