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19 February 2024

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Bevis Thomas
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Dear Devon and Bevis

Approval of the 6th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and the Chiltern Railway Company Limited (trading as Chiltern Railways (Chiltern)) dated 7 October 2022

We have today approved the above supplemental agreement submitted to us formally on 16th February 2024 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 grant Chiltern the rights necessary to run the passenger trains which will comprise the new East West Rail (EWR) services. This will entail the running of services between Oxford and Milton Keynes, calling at Oxford Parkway, Islip, Bicester Village, Winslow, and Bletchley High Level en route. Some services will commence/terminate at Bletchley instead of Oxford. The planned start date for services is currently the Principal Change Date in December 2024.

Industry consultation

Network Rail undertook the usual industry consultation. Greater Western Railway (GWR) asked whether the new contract included rights for services operating during two-track timetables on the West Coast Mainline. We understand that this query was verbally resolved to GWR's satisfaction.

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GB Railfreight (GBRf) also had a number of concerns: firstly, that the firm rights were planned to run every 30 minutes, but they did not have any interval protection and that this would negatively impact on freight operations on the route; second, that the services could not be guaranteed to have exclusive use of a bay platform at Milton Keynes and that this should not have been stated on the application; and third, that the question about impact on other operators (including freight) did not seem to have been answered.

Chiltern stated that the wording mentioning the operation of services every 30 minutes would be removed, as would the wording suggesting that EWR would have “exclusive planned use” of the bay platform in question. Chiltern also quoted a Draft Performance Modelling Technical Note to the effect that existing freight services would not be affected by the introduction of EWR services. GBRf acknowledged that it was content with these responses and the concerns were withdrawn prior to informal submission.

ORR review

We asked Network Rail what the current progress was on the completion of platform 5 at Oxford and what the contingency was if the work was delayed. We also asked about the renewal of the junction at Denbigh Hall South – similarly, whether it was on track for completion on time, and what Network Rail planned to do in the event of late delivery. Network Rail confirmed that work was due to be completed in September 2024, but that if not, EWR services were not dependent on platform 5 nor on the completion of the work on the junction, as the capacity work that was undertaken was based on only 4 platforms being available, and it found that all services could be accommodated. We were satisfied with the responses to these queries.

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

Louise Beilby