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Access Executive

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12 December 2024

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Bevis Thomas
Head of Train Planning
The Chiltern Railway Company Ltd
Banbury Integrated Control Centre
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Banbury
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Dear Devon and Bevis

Approval of the 12th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and 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 12 December 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

This supplemental agreement (SA) has two purposes:

1. To serve to provide extra capacity on services running from Birmingham and will aim to reduce overcrowding and station overtime. The rights are to commence on the Subsidiary Change Date (SCD) in May 2025 and will expire on the Principal Change Date (PCD) in December 2025.
2. To update Table 4.1 of Schedule 5 by adding three additional station calls. This relates to the Service Group HO02. The additional calls will be at Beaconsfield, Princes Risborough, and Thames Parkway, distributed as one additional call for each

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of those stations. The rights are to commence on SCD 2025 and will expire on PCD 2025.

Network Rail noted that it could only agree to the requested additional access rights on the London Marylebone – Banbury lines (service group HO02) until PCD 2025 as the rights sought interact with other operators requested rights in geography within the bounds of the Competing and Complex Applications (CCA) process and ORR’s letter of 20 May. As Network Rail has not completed analysis of all CCA cases it has concluded that it is willing to agree only to contingent rights for one timetable period. Network Rail further states that it will consider whether longer term rights could be sold once that analysis has been completed.

Industry consultation

Network Rail undertook the usual industry consultation between 1 October and 1 November 2024. Comments in support were received from London Travel Watch and West Midlands Trains, or stating no concerns, were received from CrossCountry, Great Western Railway, and Transport Focus. There are no outstanding concerns or comments.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when the agreement was formally submitted.

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

Edd Marston