

Louise Beilby
Senior Access Executive



25 September 2023

Akaash Bhandari
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Bevis Thomas
Head of Train Planning
The Chiltern Railway Company Ltd
Banbury Integrated Control Centre
Higham Way
Banbury
Oxfordshire
OX16 4RN

Dear Akaash and Bevis

Approval of the 3rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and the Chiltern Railway Company Limited (Chiltern) dated 7 October 2022

We have today approved the above supplemental agreement (SA) submitted to us formally on 25 September 2023 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 extend the rights beyond the Principal Change Date (PCD) 2023 for those granted under the 1st SA, and those currently being sought under the 4th SA. The 1st SA rights were only approved for one timetable period on the Subsidiary Change Date (SCD) 2023 due to ORR concerns surrounding performance and a lack of time in which to make a thorough assessment of the proposed changes. With the SCD 2023 timetable in operation, it is now possible to analyse the actual performance impact and provide the relevant evidence. This supplemental also prevents Schedule 5 from reverting to its pre-SCD 2023 state, as was stipulated by the 1st SA. The rights are to commence on [PCD 2023 and will expire on the Expiry Date or earlier termination of Chiltern's track access contract.



Industry consultation

Network Rail undertook the usual industry consultation. No queries or concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved prior to formal submission. We also note the improvement in the standard of application and the provision of performance data as requested after our review of the 1st SA.

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

A handwritten signature in black ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby