



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:

The Chiltern Railway Company Ltd

1.2 Facility owner details:

Network Rail:	<input type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input checked="" type="checkbox"/>	Wales & Western <input checked="" 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 type="checkbox"/>	18	<input type="checkbox"/>	22	<input checked="" type="checkbox"/>	22A	<input type="checkbox"/>
				Supplemental Number:	10th		
				Current contract date:	7 October 2022		
				Current contract expiry date:	SCD 2026		

1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	31 December 2021
	Public service contract end date:	31 December 2027
	Name of funder (e.g. DfT, Local Authority):	
	Does the funder support this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Open Access <input type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:

For the 10th Supplemental Agreement between Network Rail and Chiltern Railways, Chiltern are seeking to secure firm access rights to operate weekday evening and weekend services between Oxford and Milton Keynes Central/Bletchley High Level commencing during the December 2024 timetable.

Proposed commencement date:	PCD 2024
End date:	SCD 2026
Date approval or directions wanted by:	5 July 2024

1.6 Industry consultation:

Who carried out the consultation?	Akaash Bhandari		
Consultation start date:	15 March 2024	Consultation end date:	17 April 2024
Not carried out <input type="checkbox"/>			

1.7 Applicant details

<u>Facility Owner</u> Company: Network Rail Infrastructure Ltd Contact name: Akaash Bhandari Job title: Franchise & Access Support Manager Address: 2 nd Floor Baskerville House, Centenary Square, Broad Street, Birmingham, B1 2ND Phone: 07395 394586 E-mail: Akaash.Bhandari@networkrail.co.uk	<u>Beneficiary</u> Company: The Chiltern Railway Company Ltd Contact name: Bevis Thomas Job title: Head of Train Planning Address: Banbury Integrated Control Centre, Higham Way (off Merton Street), Banbury, Oxon, OX16 4RN Phone: 07900 688862 E-mail: Bevis.Thomas@chilternrailways.co.uk
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1.7 Date of application to ORR:

24 th April 2024 (provisional)

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):

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.

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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 10th Supplemental Agreement between Network Rail and Chiltern Railways seeks to secure firm access rights to operate weekday evening and weekend services between Oxford and Milton Keynes Central/Bletchley High Level as part of East West Rail (EWR) Connection Stage 1.

This follows on from the 6th Supplemental Agreement (weekday/daytime services) which has been submitted to the ORR for consideration.

The quantum of changes being sought by this 10th Supplemental are as below:

Table 2.1: Passenger Train Slots

1						2					
Service Group - HO05 - EWR											
Service description						Passenger Train Slots ^{5,2}					
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak Times ^{5,2}	Weekday ^{3,2}	Saturday ³	Sunday ³
						Morning Peak	Evening Peak				
Bletchley High Level	Oxford	Direct	5.01		196	0	0	2 ¹	2 ¹	0	1 0
Milton Keynes Central	Oxford	Direct	5.02		196	0	0	33 31	33 31	36 0	29 0
Oxford	Bletchley High Level	Direct	5.03		196	0	0	4 ² 2 ¹	4 ² 2 ¹	1 0	1 0
Oxford	Milton Keynes Central	Direct	5.04		196	0	0	31	31	35 0	29 0

Schedule 5 Tables 2.1 will also see the following footnote added into the TAC:

- 1 The Operator shall be entitled to operate 4 3 train slots on Fridays only
- 2 The Operator shall be entitled to operate 6 train slots on Fridays only
- 3 These Passenger Train Slots shall take effect when the East West Rail Phase 2 (Western Section) is completed and commissioned, but, in any event, no earlier than the Principal Change Date 2024

The 10th Supplemental Agreement is now in a position to be progressed following confirmation of infrastructure availability for moves on and off Bletchley Depot and the completion of performance modelling for the West Coast Mainline Two Track timetable. The performance modelling has identified no potential risks or conflicts with the running of the new services, and these outputs are further highlighted in Section 4.1 of this Form P.

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).

These rights are included as part of the Dec’24 TP-HAZID process which is due to take place in March 2024. EWR has a dedicated Event Steering Group (ESG) with attendees from across the country and this has involved dedicated subgroups reviewing timetable development and train planning rules, performance, freight and engineering access.

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](#).

N/A

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.

N/A

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.

- 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).

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

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.

The consolidated contract incorporating the 9th Supplemental has been uploaded onto the ORR website.

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 proposal will facilitate East West Rail's Connection Stage One timetable that will provide new journey opportunities between Oxford, Bicester and Milton Keynes Central.

The firm rights being requested are to provide a service between Oxford and Bletchley High Level/Milton Keynes Central on the re-instated and upgraded railway lines delivered by the East West Rail alliance. The services will provide direct links and connectivity to locations currently only serviceable via London or Coventry, enabling journey time savings and improving productivity.

This is the first phase of a project which will eventually connect Oxford and Cambridge.

The impact on other TOCs and FOCs has been shown via the performance modelling to be minimal and this is further elaborated in Section 4.3.

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.

The timetable has been approved by the EWR CS1 Events Steering Group, which was developed with Network Rail's Advanced Timetable Team.

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.

Performance Modelling was undertaken by Network Rail's Performance and Simulation team and published at the end of 2023.

They assessed that the additional EWR services would 'not lead to a notable impact on the overall performance of the WCML in either the two or four track periods of operation'.

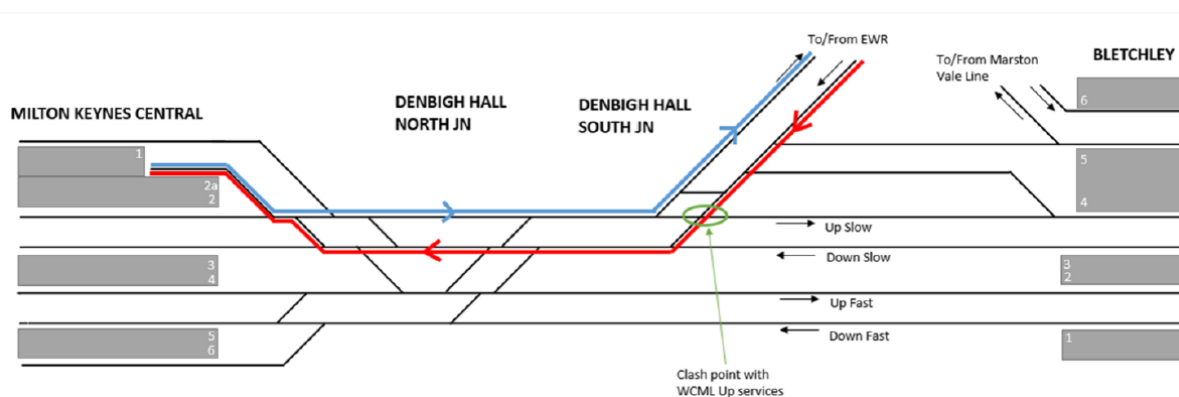
Where the Advanced Timetable Team were unable to find paths on the WCML, trains have been planned to start/terminate at Bletchley High Level. This facility will also be available during periods of extreme disruption to the network.

For services which start/terminate at Bletchley High Level, it is possible to access Bletchley TMD via Fenny Stratford, avoiding the need to access the WCML when no robust paths are available.

Some of the key findings from the Performance & Simulation report are outlined below, alongside a breakdown of specific impacts on other TOCs:

- Overall the introduction of EWR passenger and Freight services does not pose any significant performance risks to the WCML
- Where any performance issues have been identified these are a result of the current WCML timetable structure, and not the addition of the EWR services.
- There is a performance risk to EWR services at Denbigh Hall South Jn, where EWR services are held if preceding services are delayed, causing a reduction in punctuality at Milton Keynes Central. However, the turnaround time at Milton Keynes Central is sufficient to recover any delay before departure of the return journey.

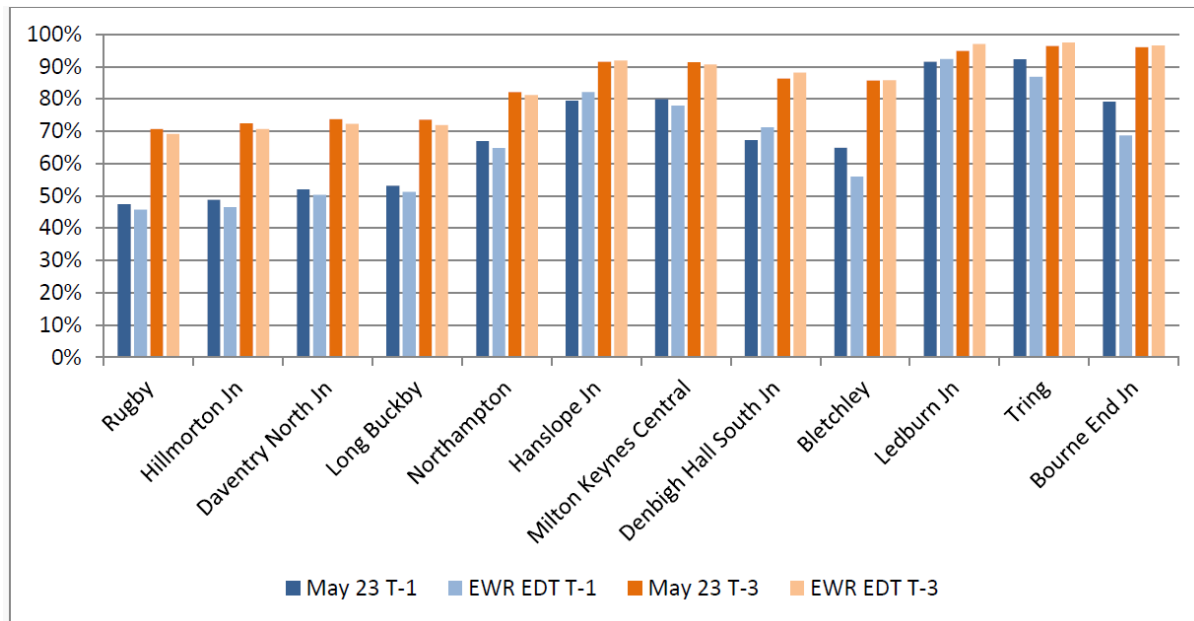
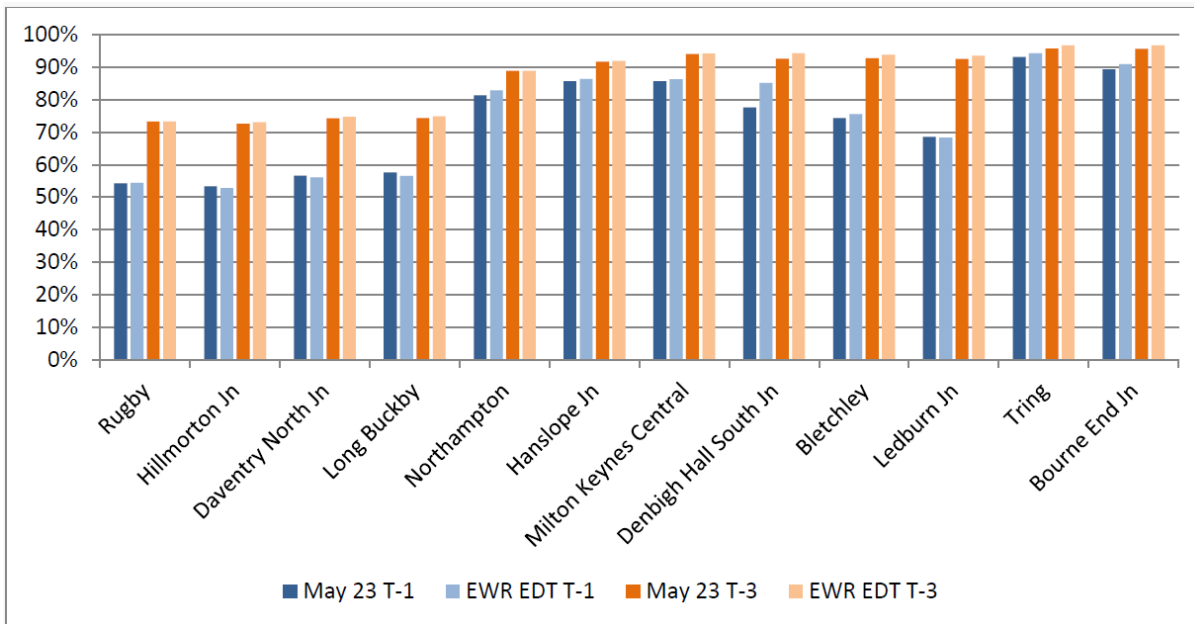
East West Rail



- The above diagram shows the routing of EWR services between Milton Keynes Central and Denbigh South Hall Jn. The blue line shows the routing for Up Direction services towards Oxford, and the red line shows the routing of Down Direction services towards Milton Keynes Central.
- The green circle indicates a potential conflict point of Down EWR services with WCML up services and a parallel move for EWR services is preferable as it reduces the conflict risk.

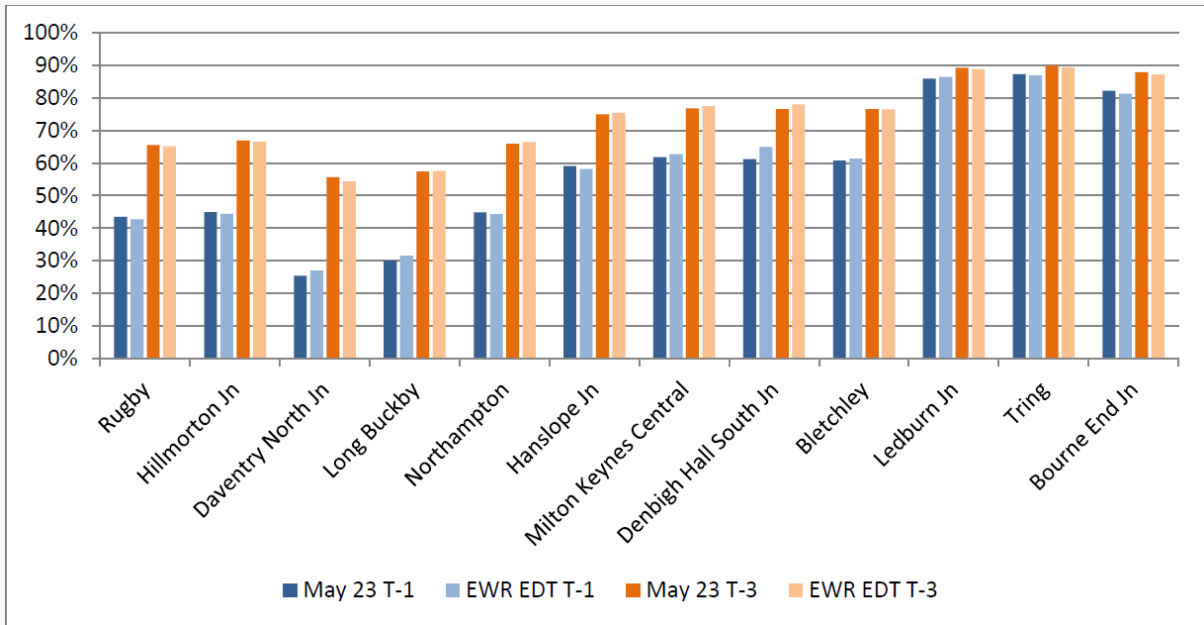
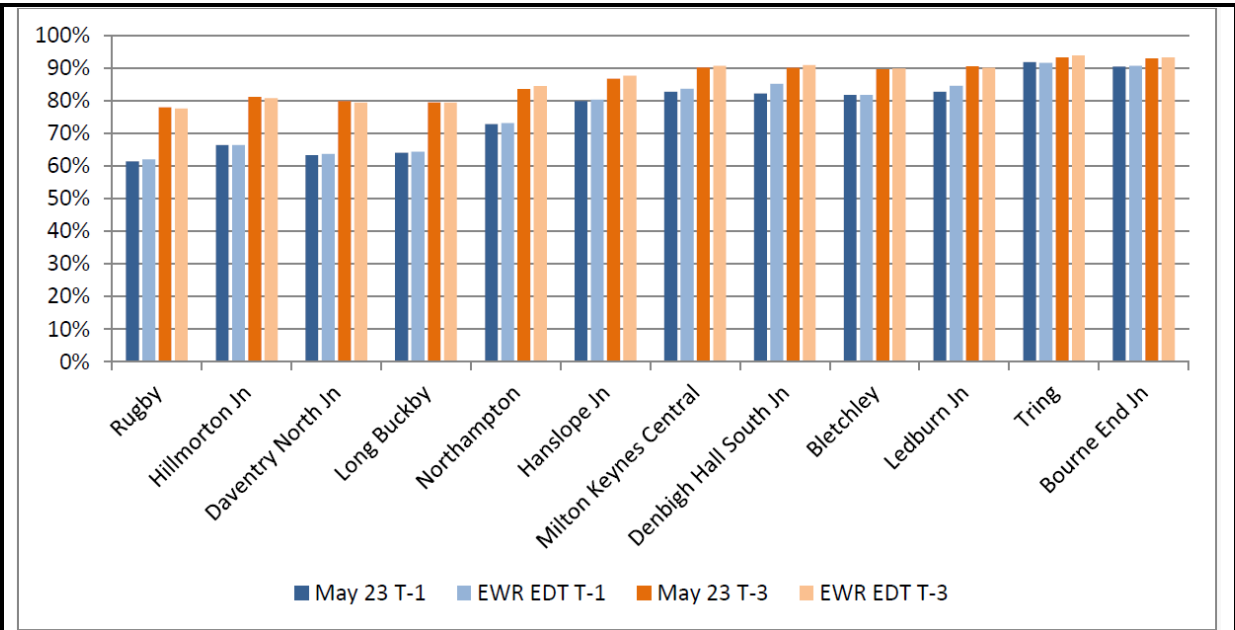
- These routes mean the EWR services will not interact with services using the Fast Line during the 1200-2100 4-track operation.

West Midlands Trains



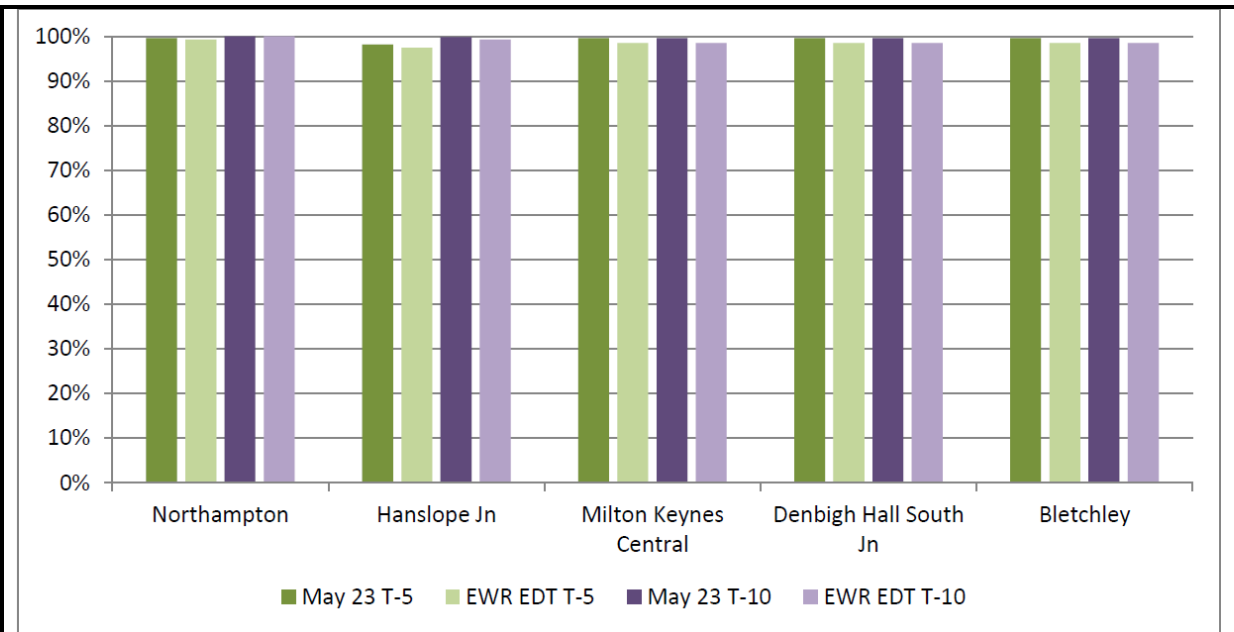
- The above graphs show that during both the pre-12:00 and post-21:00 two-track possessions there is very little difference between the performance of the May '23 and EWR EDT timetables for the Up Direction WMT services. This is due to EWR services, which are expected to have a high level of performance, being planned away from other services. They are therefore unlikely to cause any reactionary delay to the WMT services.

Avanti West Coast



- During both the pre-12:00 and post-21:00 two-track possessions on the Fast Line, there is very little difference between the performance of the May '23 and the EWR EDT timetables for down direction Avanti services. This is due to Avanti services being planned away from expected high performing EWR services and therefore not being impacted by their inclusion.

Freight



- Due to the quantum and routing of Freight services within the modelling between Rugby and the Daventry Rail Freight Terminal, locations beyond Northampton have been removed from the graphs to focus on analysis on the interaction with the aspirant EWR Freight paths.
- There are no Freight services running in the Up Direction during the pre-12:00 two track FL possession.
- The graph shows there is very minimal difference in performance between the May '23 and the EWR EDT timetables for Up Direction Freight services during the post-21:00 two track FL possession.

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

There are no implications on the facility owner's maintenance and renewal activities.

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.

These are new firm passenger train slots between Oxford and Milton Keynes Central/Bletchley High Level on weekdays, Saturdays and Sundays. A marked-up copy of Schedule 5 Table 2.1 Service Group HO05 accompanies this application.

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

Not applicable to this application

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 Vehicle Change consultation for Class 196's has been established.

Class 196's will be added to Chiltern Railways' Specified Equipment in a separate Supplemental Agreement.

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.

Chiltern Railways has been instructed by the DFT to obtain track access rights for East West Rail Connection Stage 1.

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 to this application

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.

The new services between Oxford and Milton Keynes Central are a key part of Network Rail and it's stakeholders objectives to provide better connectivity between the east and east of the country north of London.

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:

Not applicable to this application as no competing passenger services have been identified.

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.

Denbigh Hall South Junction – Renewal of junction in Easter 24 will see an increase in asset reliability and an increase in line speed.

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.

Not applicable to this application

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

Yes all services will be monitored throughout

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.

Not applicable to this application

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).

BF01B Bridge – CS1 Sponsor has confirmed AA/BA sign off for use of bridge is currently running to plan

Gavray Junction to Denbigh Hall South
NCG12018752v2 East West Rail Phase 2 Western Section

New 100mph railway from Bicester Gavray Junction to Bletchley High Level.

The enhancement is planned to be delivered by July 2024 allowing for route commissioning and driver training before entering into service during the December 2024 timetable.

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.

Not applicable to this application

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.

This application is being undertaken in conjunction with Chiltern Railways' 6th Supplemental Agreement for EWR Weekday Rights and the 5th Supplemental for Driver Training.

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.

Not applicable to this application

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.

Not applicable to this application

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.

Who conducted the consultation?

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

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

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.

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

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 Date

Name (in caps) Job title

For (company)

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