

Steve Jones

Executive, Access and Licensing
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26 March 2020

Stewart Smith
Industry Contracts Manager
DB Cargo (UK) Limited
c/o Down Yard Offices
Station Approach
Westbury
BA13 4HP

Harry Needle
Director
Harry Needle Railroad Company Limited
Reedham House
31 Ling Street West
Manchester
M3 2PJ

Dear Stewart and Harry,

Connection contract between DB Cargo (UK) Limited (DBC) and Harry Needle Railroad Company Limited (HNRC) at Worksop Wagon Repair Depot Up Sidings

1. On 26 March 2021 the Office of Rail and Road (ORR) approved the terms of the connection contract submitted by DBC and HNRC (the parties) under section 18 of the Railways Act 1993 (the Act), relating to the connection at Worksop Wagon Repair Depot Up sidings. Please find enclosed a copy of our directions notice, directing the parties to enter into the contract. This letter sets out the reasons for our decision.

Background

2. DBC sold its freehold interest in the Worksop Wagon Repair Depot (WRD) to HNRC in 2019. DBC retained its leasehold interest in the Worksop Down Reception Sidings, and the parties agreed to enter into a connection contract to ensure the continued connection between the two facilities which ORR approved in May 2019. HNRC has expanded its business to include more rolling stock stabling and so has now leased DBC's former up yard to accommodate this stock. This agreement is for the connection to the up sidings.

Consultation

3. DBC ran an industry consultation for the new connection contract from 10 December 2020 to 22 January 2021 with additional time allowed to cover the Christmas and New Year period. No objections were declared.

ORR Review

4. This connection contract is not covered by the General Approval because it is between DBC and HNRC and not Network Rail. Further, this being the case, Schedule 3 of the connection contract does not incorporate the efficiency factor required of Network Rail connections. We are satisfied with the changes the parties made to the model connection contract.

ORR Decision

5. This application is under section 18 of the Act and therefore is agreed between the parties, who are prepared to enter into the agreement.
6. In making this decision, we are satisfied that this decision reflects our duties under section 4 of the Act, in particular:
 - (i) to protect the interests of users of railway assets;
 - (ii) to promote the use of railway network in Great Britain for the carriage of passengers and goods and the development of that railway network, to the greatest extent ...economically practicable;
 - (iii) to promote efficiency and economy on the part of the persons providing railway services; and
 - (iv) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.
7. Under clause 18.2.3 of the connection contract, DBC is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and HNRC. We look forward to receiving the conformed copy.
8. In entering any provision on the register, we are required to have regard to the need to exclude, as far as is practicable, the matters specified in section 71(2)(a) and (b) of the Act. These sections refer to:
 - any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of ORR, seriously and prejudicially affect the interests of that individual; and
 - any matter which relates to the affairs of a particular body of persons, whether corporate or incorporate, where publication of that matter would or might, in the opinion of ORR, seriously and prejudicially affect the interests of that body.

Yours sincerely

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