

APPLICATION TO THE OFFICE OF RAIL REGULATION FOR A CONNECTION CONTRACT, OR AMENDMENT TO A CONNECTION CONTRACT, UNDER SECTIONS 17, 18 AND 22 OF THE RAILWAYS ACT 1993.

1. Introduction

This form is for parties applying for a connection contract that is not covered by ORR's general approval. Connection contracts set out the rights and obligations of the parties for the on-going maintenance of connections between two railway networks. New connection contracts, or changes to existing contracts, do not need to be submitted to us for specific approval if they fall under the terms described in our general approval. We have powers to generally approve new connection contracts under section 18 of the Act and amendments to existing connection contracts under Section 22 of the Act. Parties to such contracts should send us a copy of the signed contract when it is entered into for addition to our Public Register and indicate if any redaction is required.

Please use this form to apply to us for:

- Directions under section 17 of the Railways Act 1993 for a new connection contract. Section 17 allows a facility owner, who wants the right to use a railway facility, to apply to ORR for a connection contract if they are not able (for whatever reason) to reach agreement with the other party.
- Approval under section 18 of the Railways Act 1993 for a new connection contract. Section 18 allows facility owners to apply for approval if they have agreed terms to be connected to another facility owner's network. Only apply under section 18 if your contract does not fit under the terms of the General Approval.
- Approval of a proposed amendment (agreed by both parties) under section 22 of the Railways Act 1993 to an existing connection contract approved by us, if not covered by the General Approval.

We have published a 2014 model connection contract. You should use it as your starting point when agreeing the terms of a connection contract. We recommend that the parties to a proposed connection contract consult our C&Ps to better understand our regulatory requirements before applying.

“Facility Owner 1” will carry out a pre-application consultation (as at part 4 of this form). Please complete sections 2 & 3 of this application form before consultation. You should fill in the rest of the form after the consultation and before applying to ORR.

We would be happy to have a pre-application meeting with you before you apply. Please contact us [here](#) if you wish to do so. You can download a copy of this form, and of ORR's model connection contract, from our website: www.rail-reg.gov.uk.

All the boxes below are expandable.

2. The application

2.1 Title of contract or amendment (please also include the section of the Railways Act 1993 under which you are applying):

An application made under Section 18 of the Railways Act 1993 for approval:

Connection Contract between Govia Thameslink Railway and Southern Track Renewals Company and Siemens plc at Three Bridges LMD

2.2 Contact details (Company and named individual for queries):

<p><u>Facility Owner 1</u> Company: Govia Thameslink Railway (GTR) Contact individual :John Beer Job title: Head of Access & Regulatory Address:Govia Thameslink Railway Limited Hertford House,1 Cranwood Street LONDON, EC1V 9QS Telephone number: 07711149239 E-mail address:john.beer@gtrailway.com</p>	<p><u>Facility Owner 2</u> Company: Southern Track Renewals Company (STRC) Contact individual: Rob Harrison Job title: UK Property Manager Address: Telephone number: 07966857431 E-mail address: rob.harrison@bbrail.com</p>
<p><u>Head Lessee</u> Company: Siemens plc Contact individual: Ruth Humphrey Job title: Project Director Three Bridges Address: Siemens plc Mobility Division, Rail Systems The Podium, 1 Eversholt Street, LONDON, NW1 2DN Telephone number:07808822017 E-mail address: Ruth.humphrey@siemens.com</p>	

2. The proposed contract or amendments not covered by the general approval

2.1 Departures from ORR's model connection contract: please set out and explain why any departures from ORR's published model connection contract have been made. If the annual charge is above £50,000, or the liability cap is below £500,000 or above £1,300,000 then it falls outside the general approval. If the annual charges are above £50,000 please provide a breakdown of the costs.

The proposed departures from the ORR model connection contract are shown in red on the attached comparison document and are further outlined in the attached commentary.

There are two main principles that underlie the majority of these changes:

- 1 Network Rail is not a party to this contract, and GTR is the Depot Facility Owner.
- 2 The Proposed Contract is a tri-partite agreement between Southern Track Renewal Company (STRC), Govia Thameslink Railway Limited (GTR) and Siemens plc, with STRC being the Adjacent Facility Owner and Siemens being the Headlessee for the purposes of the Connection Contract. The only reason that Siemens is included as a party to the Connection Contract is to enable it to have rights to remedy a breach by the Adjacent Facility Owner (clause 7.11) and to step into and take over as Depot Facility Owner under the Connection Contract (clause 8.8). Once it has taken over the Contract it may novate the Contract to a new undertenant who will become the licensed facility owner (clause 14).

Please refer to the attached comparison and commentary for further details.

2.2 Terms not agreed with the other party (for applications under sections 17 only): please set out here any areas of the application which have **not** been agreed and why, and the reasons for seeking these provisions.

None

3. Other

3.1 Associated applications to ORR: please state whether this proposal is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track or facility access contract).

In addition to this Connection Contract, a Facility Track Access Contract between Govia Thameslink Railway and Southern Track Renewals Company is also being submitted.

A Connection Contract for the new Three Bridges Depot has already been submitted

3.2 Supporting information and side letters: please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application); and
- 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.

This contract is required because of the use of land adjacent to the existing STRC depot as part of the new Three Bridges Depot. Trains to/from the STRC depot will now be required to use track within the new depot when making movements to/from a headshunt and the Network Rail network.

The new Three Bridges Depot will be the main depot for the new Class 700 fleet of trains, and is part of the £6.5 billion Thameslink Programme.

STRC provides track maintenance services to Network Rail and requires to be connected to the GTR network to allow on-track plant to be moved between the STRC depot and sites of work on the Network Rail network.

The parties to the DAfL may agree revisions to the lease plans, based on “as built” plans before 29 July 2016, which may require the Plan in this contract to be revised.

The whole of the proposal between the parties has been submitted.

3.3 Confidentiality exclusions: please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the application sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application you want us to exclude from publication.

Following pre-application discussions with ORR, it was decided that no pre-application consultation would be carried out.

The parties request that Schedules 2, 3 and 5 are redacted because they contain confidential information.

Note: Where a pre-application consultation the remainder of this application should not be completed until after that consultation has been completed. Please note that Annex A of ORR's C&Ps¹ sets out some principles for conducting industry consultations. Although it refers to track access contracts, similar principles apply to connection contracts.

¹ [Criteria and Procedures for the approval of track access contracts](#)

4. Pre-application consultation

4.1 The consultation: has a pre-application consultation been carried out in line with the Industry Code of Practice found in Annex A of the C&Ps? If yes, please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain why, and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised.

See 3.3 above.

4.2 Resolved issues: please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation.

N/A

4.3 Unresolved issues: please set out any issues raised by consultees which have ***not*** been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

N/A

5. 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

In the case of agreed applications under section 18 or 22, each Facility Owner should fill in separately the required information in the boxes below. For disputed applications under section 17, the applicant should fill in the required information. NB for ease of submission this application may be signed in counterparts.

Facility Owner 1: I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) NIEL WILSON..... Job title ASSISTANT THREE BRIDGES....

For (company) ...GOVIA THAMESLINK RAILWAY.....

Head Lessee: I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) RUTH HUMPHREY Job title PROJECT DIRECTOR THREE BRIDGES

For (company) SIEMENS plc.....

Facility Owner 2: I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) ROB HARRISON..... Job title ...UK PROPERTY MANAGER.

For (company) SOUTHERN TRACK RENEWALS COMPANY.....

6. Submission

6.1 What to send: please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information.

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail to track.access@orr.gsi.gov.uk. Please supply one "comparison" document (comparing the agreed contract to our model connection contract) and one plain copy of the agreed contract.

6.2 Where to send it:

Bill Hammill
Track Access Manager
Railway Markets and Economics
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN

Email: track.access@orr.gsi.gov.uk