

Katherine Goulding

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28 September 2015

Dear Malgorzata and Steve,

CONNECTION CONTRACT BETWEEN NETWORK RAIL INFRASTRUCTURE LIMITED AND SITA WEST LONDON LIMITED AT SEVERNSIDE

1. On 28 September 2015 the Office of Rail Regulation (ORR)¹ approved the terms of the connection contract submitted by Network Rail Infrastructure Limited (Network Rail) and SITA West London Limited (SITA) under section 18 of The Railways Act 1993 (the Act), relating to the connection at Severnside. Please find enclosed a copy of our direction notice, directing both parties to enter into the contract.

Network Rail's submissions to ORR

2. On 24 August 2015 Network Rail submitted the proposed connection contract between Network Rail's network and SITA's network at Severnside to us for approval under section 18 of the Act. This submission replaced the previous submissions sent to us in February 2014, and are updated to reflect the comments made by us on the previous submissions.

3. The application consisted of:

- Proposed connection contract with plan;
- Comparison between the contract and ORR's model;

¹ Use of the name, the Office of Rail and Road, reflects the new highways monitor functions conferred on ORR by the Infrastructure Act 2015. Until this name change is confirmed by legislation, the Office of Rail Regulation will continue to be used in all documents, decisions and matters having legal effects or consequences.



- Letter and email of support from SITA for the application; and
- Consultation correspondence.

Consultation

4. Network Rail conducted a pre-application consultation from 6 November to 4 December 2013. There were comments and observations from several of the consultees, which were resolved. No outstanding substantive objections to the proposed connection contract were declared.

Departures from the model contract

5. There are changes made by the parties to the model contract to reflect the commercial arrangements at the site and that the site is being not yet completed. Some minor formatting amendments were also made by the parties.

ORR decision

6. This is an application under section 18 of the Act and therefore an agreed agreement between the parties who are prepared to enter into it as submitted.
7. We also consider that in this case the changes to ORR's model contract to reflect the commercial arrangements at the site are practical and are content to approve them.
8. 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.
9. Once the agreement is signed, in accordance with section 72(5) of the Act, you must send a copy to ORR within 28 days and in accordance with section 72(2)(b)(iii), a copy will be placed on our public register and website.
10. In entering any provision on the register, ORR is 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:





- a. any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the ORR, seriously and prejudicially affect the interests of that individual; and
- b. 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 the ORR, seriously and prejudicially affect the interests of that body.

11. When submitting the copy of the signed agreement would you therefore please identify any matters which you would like the ORR to consider redacting before publication. You will need to give reasons for each request explaining why you consider that publication would seriously and prejudicially affect your interests.

12. A copy of this letter will be sent to Della Johnson of SITA.

Yours sincerely

Katherine Goulding



