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Chris Dellard
Network Access Strategy Manager
Transport for Wales Rail Ltd
1st Floor St Patrick's House
17 Penarth Road
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4 August 2021

Dear Nick and Chris,

Approval of the Connection Contract at between Seilwaith Amey Cymru / Amey Infrastructure Wales Limited and Transport for Wales Rail Limited at Rhymney Station Sidings Refuelling Facility

1. The Office of Rail and Road (ORR) has today approved the terms of the above connection contract submitted to the Office of Rail and Road on 3 August 2021 under section 18 of the Railways Act 1993 (the Act). Please find enclosed a copy of our direction notice, directing the parties to enter into the contract. This letter sets out the reasons for our decision.

Background

2. Transport for Wales Rail Ltd leased nine Class 769 FLEX bi-mode units to replace the Pacer fleet. During testing, it was discovered that there was a need for a refuelling facility at Rhymney.
3. On 3 August 2021 Seilwaith Amey Cymru / Amey Infrastructure Wales Limited (AIW) on behalf of the parties requested approval from ORR for the connection contract at the new facility.

Consultation

4. AIW ran an industry consultation for the new connection contract from 24 April 2021 to 5 May 2021. No outstanding objections to the proposed connection contract were declared.

ORR Review

5. The contract is based on the ORR's model contract dated August 2020. However, it has been modified to reflect that the Core Valley Lines is not

managed by Network Rail and so requires ORR specific approval. We are content with the modifications and have previously approved similar contracts.

6. We noted that the annual charge in Clause 15 was minimal. The parties agree on the amount and as this is an end of track connection, it is not a complex connection point. The charging methodology is consistent with a similar connection point at Cwmbargoed with Merthyr (South Wales) that we approved in March 2020.
7. The parties requested that we redact the annual charge in Clause 15 and liability caps in Schedule 5 as they consider these details to be commercially sensitive. In this instance, as the amount is small, non-contentious and we have previously agreed to this in the Merthyr case, we have allowed, for now, the redaction of the charge and liability caps.

ORR Decision

8. This application is under section 18 of the Act and therefore is agreed between the parties, who are prepared to enter into the agreement.
9. 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.
10. Please send a copy of the contract to us within 28 days of signing. Please send us an unredacted version for our files, and a redacted version for the ORR website and Public Register.

Yours sincerely

A handwritten signature in black ink that reads 'Margret Haswell'.

Margret Haswell