



OFFICE OF RAIL AND ROAD

Katherine Goulding

Executive, Access and Licensing
Telephone: 0207 282 2198
Email: Katherine.Goulding@orr.gsi.gov.uk

Malgorzata Sztandera
Freight Connections Manager
Network Rail Infrastructure Limited
One Eversholt Street
London
NW1 2DN

James Dowell
West London Energy Recovery Limited
Suez House
Greenfell Road
Maidenhead
SL6 1ES

7 December 2015

Dear Malgorzata and James,

CONNECTION CONTRACT BETWEEN NETWORK RAIL INFRASTRUCTURE LIMITED AND WEST LONDON ENERGY RECOVERY LIMITED AT NORTHOLT

1. On 7 December 2015 the Office of Rail and Road (**ORR**) approved the terms of the connection contract submitted by Network Rail Infrastructure Limited (**Network Rail**) and West London Energy Recovery Limited (**West London Energy**) under section 18 of the Railways Act 1993 (**the Act**), relating to the connection at Northolt. 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 7 December 2015 Network Rail submitted the proposed connection contract between Network Rail's network and West London Energy's network at Northolt to us for approval under section 18 of the Act. This submission replaced the previous formal submissions sent to us in November 2015, August 2015 and February 2014. The proposed contract was updated to reflect the comments made by us on the previous submissions.
3. The application consisted of:
 - Proposed connection contract with plans.
 - Comparison between the contract and ORR's model.
 - Letter and email of support from West London Energy for the application.
 - Consultation correspondence.

Consultation

4. Network Rail conducted a pre-application consultation from 26 November to 24 December 2013. There were comments and observations from several of the consultees, which were resolved. No outstanding substantive objections to the proposed connection contracts were declared.



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5. The changes made to the proposed contract since the consultation are not operational changes that would necessitate running a second consultation, particularly since no objections were received on the original consultation.

ORR Review

6. The definition of the Commencement Date was changed by the parties, to reflect the date which the site was taken over from the previous contractor in January 2014. We did not approve this departure from the model contract, as our policy is to not approve new connection contracts retrospectively.
7. We asked the parties to agree new wording for the Commencement Date. The parties submitted an updated proposed contract using the model contract definition on 12 November 2015, and we are content with this proposed contract.
8. When the application was first submitted, the name of West London Energy was SITA West London Limited. This had changed by the submission of the updated proposed contract on 12 November 2015, and so we asked the parties to update the contract to reflect this. The parties have now done this and we are content to approve it.
9. The West London Waste Authority (**Authority**) has been included as a definition at the start of the contract, and clause 14 includes step-in provisions for the Authority. The contract deviates from ORR's model to accommodate this situation.
10. We accept that in this case step-in rights can form part of the connection contract, although they are unusual, and are supported by both parties. The step-in rights do not appear to disadvantage any other third parties.
11. Some minor formatting amendments were also made by the parties.

ORR decision

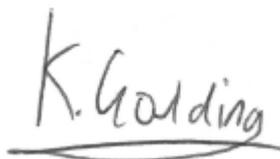
12. This is an application under section 18 of the Act and therefore an agreed agreement between the parties who are prepared to enter into it as submitted.
13. We also consider that in this case the departures from ORR's model contract to reflect the commercial arrangements at the site are reasonable and are content to approve them.
14. 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.

Public Register

15. 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.
16. 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.
17. 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.
18. A copy of this letter will be sent to Della Johnson of SITA UK and Gwen Buchan of Network Rail.

Yours sincerely

A handwritten signature in black ink that reads 'K. Goulding'. The signature is written in a cursive style and is underlined with a single horizontal line.

Katherine Goulding