

**Katherine Goulding**

Senior Executive, Access and Licensing

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10 January 2018

Rebecca Rossiter  
Account Manager  
DB Cargo (UK) Limited  
Lakeside Business Park  
Carolina Way  
Doncaster  
DN4 5PN

Simon Gledhill  
Commercial Development Advisor  
First Greater Western Limited  
Heritage Building  
Reading Station  
Station Approach  
Reading, RG1 1LZ

Dear Rebecca and Simon,

**Facility access contract between DB Cargo (UK) Limited (DBC) and First Greater Western (FGW) at Didcot Yard**

1. On 10 January 2018 the Office of Rail and Road (**ORR**) approved the facility access contract between DBC and FGW (**the parties**) at Didcot Yard (**the facility**), which was submitted to us on 30 November 2017 under section 18 of the Railways Act 1993 (**the Act**). This letter sets out the reasons for our decision.

**Background**

2. The purpose of this agreement is to grant FGW the rights necessary to use the facility for the stabling of FGW rolling stock while its Reading Depot transitions from being a DMU depot to an EMU depot. The agreement is based on an industry developed template, modified for the requirements at the facility. The rights are to commence on the date of signature of this contract and will expire five years after that date.

**Consultation**

3. A full industry consultation for the facility access contract has been carried out by DBC, running from 30 October 2017 to 24 November 2017. No objections or substantive comments were declared.

**ORR Review**

4. The proposed contract is based on an industry-developed template, used for contracts ORR has previously approved. It includes charging provisions, a performance regime and “use it or lose it” provisions. We note the parties have agreed to a schedule covering the insurance requirements for both parties, which we have not seen previously. We are content that this is appropriate in this instant.

5. There are two minor modifications in the directions, to reflect that the contract is entered into under specific directions and to change the title of one clause. The parties have agreed to these modifications.

## **ORR decision**

6. This application is under section 18 of the Act and therefore is agreed between the parties, who are prepared to enter into the agreement. Therefore we are content to approve this agreement, subject to the modifications included in our directions.
7. 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.
8. Once the agreement is signed, in accordance with section 72(5) of the Act, you must send a copy to us within 28 days and in accordance with section 72(2)(b)(iii), a copy will be placed on our public register and website.
9. 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:
  - (i) 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
  - (ii) 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.
10. When submitting the copy of the signed agreement would you therefore please identify any matters which you would like us 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.

Yours sincerely,

**Katherine Goulding**