



Application to the Office of Rail and Road for a depot access contract, or amendment to a depot access contract under Section 17 or 22A of the Railways Act 1993

This form should be used to apply to the Office of Rail and Road (ORR) for:

- directions under section 17 of the Railways Act 1993 (the Act) for a new depot access contract. Section 17 allows those seeking the right to use a railway facility to apply to ORR direct access if they have failed (for whatever reason) to reach agreement with the facility owner; or
- directions under section 22A of the Railways Act 1993 for an amendment to an existing depot access contract. Section 22A allows anyone seeking an amendment to an existing depot access contract, which allows more extensive use, to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

The form sets out the ORR's standard information requirements for considering such applications.

It is very important that the application is made in good time and prospective applicants are strongly advised to read (and, if necessary, take advice on) the procedures which are laid out in the Act, (Section 17 and Schedule 4).

The Stations & Depots Team at the ORR will be happy to discuss prospective applications. Applicants are strongly encouraged to contact the Office at an early stage, preferably before making an application, to discuss their likely requirements.

The team can be contacted by email at StationsandDepots@orr.gov.uk.

A copy of ORR's model depot access contracts and amending agreements can be accessed electronically and downloaded via the ORR website [here](#).

1. The application

1.1 Name of depot(s) to which the application applies

Temple Mills International Depot (TMI)

1.2 Title of proposed access contract or amendment

New contract for access to Temple Mills International Depot

1.3 Contact details (Company and named individuals for queries):

Company: Evolyn

Contact individual:

Job title:

Address: Calle Serrano 112, 28006, Madrid, Spain

Email:

Telephone number:

1.4 Licence and railway safety case

Please state whether the applicant intends to use the depot or whether someone else will use the depot on their behalf.

Please state whether the proposed user of the depot (a) holds a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, and (b) has an accepted railway safety case under the Railways (Safety Case) Regulations 2000. If the answer to (a) or (b) is no, please state the point which that person has reached in their obtaining of the licence, exemption or railway safety case (as the case may be).

Evolyn intends to use the depot. Evolyn, as a new high-speed rail company, is currently working on obtaining a valid train operating licence and safety certification before accessing the depot.

2. The proposed contract or amendment

2.1 Executive Summary

Please provide an executive summary of the proposed contract or amendment. This should cover the depot services, the commercial terms, and the applicant's reasons for seeking the contract in the terms proposed. The summary in this section should also explain (here or by cross-reference to the answers in the sections below):

- where there is an existing agreement in respect of the services in question, any differences between the existing agreement and the proposed contract;
- any aspects in which the proposed contract/amendment contains bespoke provisions departing from the published model depot access contract; and
- any material safety risks that have been identified arising from the proposed contract and the arrangements for their control and mitigation (by reference to the provisions of the operator’s railway safety case and, so far as is possible, the safety case of the facility owner).

Regarding the compatibility between the depot facilities and the new Evolyn rolling stock, Evolyn and Eurostar are working on the compatibility analysis. On 24/01/2024 Evolyn sent the document ‘TEMPLE MILLS INTERNATIONAL DEPOT ASSESSMENT OF TECHNICAL COMPATIBILITY APPLICANT INITIAL INFORMATION’ required by Eurostar to inform the start of technical compatibility analysis for Temple Mills International Depot (TMI). Since then, Eurostar has prepared an Excel file of all TMI facilities to demonstrate that the proposed rolling stock is technically compliant with them. This categorises those facilities that are compliant, those that are to be verified and those that are not in order to work on the adaptations required to make them compliant. However, although we have received updates to this document, we have not yet received a final response to the compatibility analysis.

2.2 Terms not agreed with the facility owner

Please set out here those specific areas of the proposed contract/amendment which the applicant has not been able to agree with the facility owner, the reasons for the failure to agree and the reasons for seeking these provisions.

Evolyn sent to Eurostar the initial formal request for access to TMI one year ago, more precisely on 27/07/2023. However, to date, Evolyn has received no guarantee or assurance of accessing TMI in terms of capacity. We also visited the facilities on 17/07/2024 to have a clear view of the depot and then, we discussed the following steps to confirm our capacity requirements, but no confirmation has given yet.

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 Evolyn’s estimated capacity requirements for maintenance at Temple Mills Depot in terms of tracks:

Number of trains staying overnight in London: 8

Number of workshop tracks for daily maintenance: 2

- Preventive maintenance hours required per day: 2 x 8 hour day slots

- Corrective maintenance hours required per day: 2 x 8 hour night slots

- Required overhaul hours per year: Corrective: 36 8h slots + OVH: 144 8h slots in overhaul years

Number of tracks for daily stabling/parking: 4 x 200m or 2 x 400m

Number of night slots for servicing tracks per day (*Estimation: Slot of 1 hour, depending on installed machine productivity): 4 x 1 hour

Wheel reprofiling: Preventive: 1,104 wheelsets per year. Plus, rare corrective

reprofiling

Washing tunnel: 4-6 slots per day

.....
In addition, on 04/07/2024, Evolyn wrote to Eurostar with a request for this capacity at TMI and received a response on 19/07/2024 in which they said that they found “it difficult to see that there is sufficient capacity available to meet an assumption that we can permanently allocate 2 roads – even assuming there is technical compatibility and even assuming you are the only person making such an application.” Whilst this is not a definitive answer, it is of no use to the project as gives no assurance of any maintenance facilities being made available in London.

2.3 Departure from ORR's model depot access contract

Please set out here, with reasons, any areas where the drafting of the proposed contract or amendment omits, amends or adds to the ORR’s published model depot access contract (as appropriate, cross-referencing to the answers below). Wherever the proposed contract contains a new process (e.g. a self-modification provision) the ORR will wish to see a flowchart illustrating that the process is robust, internally consistent and leaves no loose ends.

Evolyn understands that our response does not apply because there is not any contract or draft made yet, and there is no established model for international services. However, in the absence of this, we anticipate terms based on the standard of the ORR’s model with amendments as necessary for the specifics of Temple Mills International and international services.

2.4 Duration of contract

Please indicate the commencement date sought for the proposed contract or amendment and provide justification for the proposed duration if appropriate.

A 10-year contract duration is sought and the anticipated date for the commencement date is 1/04/2026 at the moment. We will of course be able to be more precise when we know what access will be available and what physical amendments will need to be made inside the depot to accommodate our rolling stock.

3. The expression of access rights and the consumption of capacity

3.1 Benefits

Please set out what specific benefits will result from the proposed contract or amendment. In particular, please describe any new rights sought or significant changes in the facilities or services to be used, their benefits to passengers and any impact on existing beneficiaries.

For Evolyn to be able to start operations through the Channel Tunnel, the access to TMI must be ensured in advance because this international depot is key for the required maintenance services. The benefits of Evolyn entering the market and using TMI as the main depot are: job creation in the area; more passenger services between London and mainland Europe, increasing the total number of frequencies and giving passengers more choices due to competition; more direct revenue from a new operator to HS1 to contribute to operations, maintenance and renewal charges; promoting greener, more sustainable choices for customers wanting to travel to mainland Europe.

3.2 Adequacy

Please set out to what extent and by what process (if any) the applicant has satisfied itself that the facilities and services required can be supplied at the depot in question.

Evolyn has been working with the manufacturer on the maintenance requirements for the Evolyn trains and the existing facilities and services provided in TMI. In addition, Evolyn and Eurostar are working on the technical compatibility analysis since January 2024.

3.3 Franchise obligations

Please indicate the extent to which the use of the depot in the proposed contract is necessary to fulfil obligations under a franchise agreement.

Not applicable to international open access.

3.4 Public funding

Please indicate whether (and if so to what extent) the services in the proposed contract are subject to financial support from central or local government (other than the Secretary of State) and provide a point of contact at that body.

Not applicable to international open access.

3.5 General guidance given by the Secretary of State and/or Scottish Ministers

Please state here any general guidance given by the Secretary of State or the Scottish Ministers considered relevant to this application and why.

Not applicable to international open access.

4. Charges

Please indicate, and explain the reasons for, how the proposed charges were determined.

Not applicable yet, as this application is focused on the access to TMI, later on we will initiate commercial discussions and charges.

5. Enhancement

5.1 Enhancement details

Where the proposed contract or amendment provides for the delivery of any depot enhancements, or the services in the proposed contract or amendment are predicated on any planned depot enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the depot change procedure in the depot access conditions (Part C) has been completed (where appropriate, by reference to submissions made under the ORR's enhancement reporting framework).

Not applicable to international open access.

5.2 Enhancement charges

Please confirm that the arrangements for the funding of any depot enhancements are consistent with the ORR's investment framework, and summarise the level and duration of payments, and the assumed rate of return.

Not applicable to international open access.

6. Other

6.1 Associated applications to the ORR

Please indicate whether this application is being made in parallel with, or relates to, any other current or proposed applications to the ORR (e.g. in respect of track, station or light maintenance depot access contracts or agreements).

No other application has been made in parallel to the ORR. However, on 27/07/2023 Evolyn sent to Eurostar the initial formal request for access to TMI copying and informing the ORR of this application.

6.2 Supporting information

Please indicate here any further justification or relevant information in support of the application, including a list and explanation of any other material being submitted (and supply copies with the application).

No further information.

6.3 Side letters and collateral agreements

Please confirm here that the whole of the proposed contract or amendment between the parties has been submitted with this application and that there are no side letters or other documents which qualify or otherwise affect the proposed access contract.

On 6/12/2023 Evolyn made an application to Eurostar for access to the facilities at St Pancras International station and Evolyn is still awaiting a response. On 27/07/2023

Evolyn sent to Eurostar the initial formal request for access to TMI copying and informing the ORR of this application.

6.4 Confidentiality exclusions

Please indicate clearly any elements in the application and the proposed contract or amendment that the applicant would wish to exclude from wider consultation on the grounds of confidentiality specified in section 71(2) of the Railways Act 1993. Please provide a full justification for each instance by reference to those statutory grounds. Subject to its decision on such exclusions, it is the ORR's intention to publish this application and the proposed contract or amendment on the ORR website. (NB under the process established by Schedule 4 of the Railways Act 1993, the ORR is obliged to send a copy of the application **in full** to the facility owner).

Not applicable.

7. 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 (including section 17), 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.

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

Signed:

Date: 24/10/2024

Name (in caps): JORGE COSMEN

Job title: CEO

For (company): EVOLYN

8. Submission

8.1 What to send

You should submit your application form and any supporting documents in electronic format.

Please send by email a signed copy of this application form, a copy of the proposed draft contract or amending agreement, copies of any documents incorporated by reference (other than established standard industry codes or other instruments) and any other attachments, supporting documents or information.

Please supply these documents **in plain Microsoft Word format** (*i.e.* excluding any macros, auto-para or page numbering, or other auto-formatting).

8.2 Where to send

Please send your email and any supporting documents to StationsandDepots@orr.gov.uk