



## **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](mailto: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

### **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: Gemini TOC Ltd

Contact individual: Adrian Quine

Job title: Chief Executive Officer

Address: [redacted]

Email: [redacted]

Telephone number: [redacted]

### **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).

The applicant, Gemini TOC Ltd (Gemini Trains), intends to use the depot. Gemini Trains is a business that has been developing plans for the past two years to operate passenger rail services between London and mainland Europe. It comprises a team of senior industry leaders on both sides of the Channel, and we have a substantive business plan that has been independently verified. It is currently working on obtaining a valid train operating licence and a safety certificate. These will be obtained before the company needs to access 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).

Gemini Trains has engaged with Eurostar International Limited regarding access to Temple Mills International Depot. We have shared with them our requirements and the level of access we are seeking. These are consistent with the access level set out in section 2.2 below. Eurostar International Limited have engaged positively with us and have shared with us their preliminary assessment of the available depot capacity, consistent with the process set out in the "Temple Mills International Depot Service Facility" document available on the HS1 website. However, they have advised us that they are not yet 'in a position' to progress our application due to the ongoing capacity review that is taking place led by the ORR. We welcome the ORR capacity review as this will provide an independent view of the available capacity at Temple Mills International Depot for third parties. Acknowledging this process and that two other parties have also submitted Section 17 applications, Gemini Trains is obliged to also submit our own Section 17 application.

### 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.

For the reasons set out above, Eurostar International Limited are not able to progress our request for access. While we believe sufficient capacity exists to agree our requirements, we are unable to progress our application further. Gemini Trains' requirements for access at the depot is 1) One dedicated track (400m) in workshop shed for corrective and preventative maintenance, 2) Nighttime stabling: 3x200m sidings, either 1x400m + 1x 200m, or 3 x 200m, within the depot boundary, 3) Daytime stabling: 1x200m, 4) Wheel reprofiling: Preventive: c. 1,100 wheelsets per year, all scheduled during daytime hours, plus ad hoc corrective reprofiling, 5) Wash plant: three nighttime slots and one day slot, 6) CET facility: Four slots per night, one

slot per day, 7) Access to dedicated stores facility and office accommodation, 8) Access to staff accommodation.

### **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.

We have not yet discussed the form of the contract with Eurostar International Limited; however, we would expect the contract to be consistent with the ORR model depot access contract with specific clauses reflecting the sought access and the specifics of Temple Mills International depot.

### **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.

At this stage we have not discussed a specific contract length with Eurostar International Limited. Gemini Trains intends to be a long-term user of the infrastructure and therefore is seeking commensurate access rights, which will support our purchase of suitable train sets. We therefore envisage seeking a 10-year access contract as a minimum requirement.

## **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.

Gemini Trains plans to offer international services between the UK and mainland Europe using high-speed rail infrastructure including the Channel Tunnel. The introduction of competition on this route will bring benefits for customers through greater choice and to the owners of the rail infrastructure through greater asset utilisation. Access to Temple Mills International Depot is necessary to facilitate the introduction of these services. We do not believe any significant changes to the depot infrastructure are necessary to grant the requested access as Temple Mills International Depot is a modern facility, purpose built for maintaining high-speed train sets.

### **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.

We have reviewed the published service facility description, undertaken our own analysis and held discussions with Eurostar International Limited.

### **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.

Gemini Trains will provide passenger rail services as an open access operator.

### **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.

### **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.

## **4. Charges**

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

Eurostar International Limited have not yet proposed charges for the requested access. We anticipate this being subject to commercial negotiations between the two parties.

## **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).

We do not believe that any significant enhancements are necessary to accommodate the proposed access requested.

## **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.

## **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).

Currently Gemini trains has not submitted any other access applications to the ORR. We are aware that at least two other Section 17 applications have also been made to the ORR for access to Temple Mills International Depot, and that the ORR is currently undertaking an independent review of available capacity.

### **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).

Not applicable.

### **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.

Correct.

### **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).

We have also included a copy of this application with minor redactions for publication on the ORR public register and website.

## 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: [redacted]

Date: 24 February 2025

Name (in caps): ADRIAN QUINE

Job title: Chief Executive Officer

For (company): GEMINI TRAINS LTD

## 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](mailto:StationsandDepots@orr.gov.uk)