

Office of Rail and Road
25 Cabot Square
London E14 4QZ

By email: StationsandDepots@orr.gov.uk

[REDACTED]

25 September 2024

Dear Office of Rail and Road

Application for Directions Under Section 17 of the Railways Act 1993

- 1 Eurostar refers to the Office of Rail and Road's (**ORR**) letter dated 29 August 2024 in relation to Evolyn's Application to ORR for a Depot Access Contract relating to Temple Mills International Depot (**TMI**) under section 17 of the Railways Act 1993 (the **Act**) and Eurostar's letter dated 18 September 2024 identifying interested parties in relation to Evolyn's application
- 2 This letter sets out Eurostar's initial written representations in respect of Evolyn's application.

Overview of Eurostar's written representations

- 3 Eurostar considers that the appropriate primary process for considering access to TMI is set out in its Service Facility Description for TMI in compliance with the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (the "**Regulations**"). It would not be appropriate for that process to be bypassed in favour of Evolyn's premature request for access to be considered under s.17 of the Act.
- 4 Due to the nature of Evolyn's application, ORR should not and, indeed, is in no position in practice or under the Act to make a direction pursuant to s.17. Evolyn's application is presumptive and lacking in essential detail. Eurostar submits that there is simply not the information available to ORR for it to exercise any power or discretion it has and, in any event, that it has no such power or discretion in respect of Evolyn because Evolyn has not submitted a valid s.17 application.
- 5 Eurostar considers, moreover, that ORR's existing standard process for considering access applications is not designed or suited to considering an access application that relates ultimately to a cross-border, high-speed passenger rail service. To consider such applications, ORR would need to set out clearly specific criteria and procedures for approval of depot access agreements that relate to high-speed passenger rail services necessitating bi-national and international approvals and consents. Such requirements are plainly not comparable to other depot access scenarios on the mainline network.
- 6 Eurostar considers that ORR should not take forward its consultation process or at least in its conventional form for standard depot access applications. Instead it would be appropriate for ORR to remit the initial decision about the depot access contract sought by Evolyn back to the process of engagement set out in Eurostar's Service Facility Description for TMI (a copy of which is enclosed), which is already on foot and had, in Eurostar's view, been facilitating constructive engagement on many issues.
- 7 Eurostar expands on those points in the next section of these written representations.

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- 8 Notwithstanding those points and in significant part because of the impediments that the limited detail in Evolyn's application imposes, Eurostar reserves its right to be consulted further and to make further submissions if further application particulars are provided by Evolyn and/or once ORR confirms the specific process that will apply for this depot application, given its unconventional nature.

Written representations on Evolyn application and the appropriate process for considering access to TMI

- 9 Eurostar has set out in detail the process for considering access to TMI in its Service Facility Description for TMI (the "**Access Process**"). The Access Process is wholly rooted in the terms and requirements of the Regulations.
- 10 The Access Process is designed to reflect in particular certain sensible and obvious considerations for access to TMI, namely:
- (a) Does the applicant have rolling stock capable of accessing TMI?
 - (b) Can that rolling stock be maintained at TMI?
 - (c) Is there sufficient spare capacity to maintain that rolling stock at TMI?
 - (d) Is the applicant willing to pay the costs of maintaining the rolling stock at TMI?
- 11 Eurostar does not know whether any (or all) of these considerations will be barriers to permitting Evolyn access to TMI. Eurostar has been working through each of them with Evolyn in detail. There has not as yet been a failure to agree by reason of the fact that the process is not well advanced. Eurostar and Evolyn remain engaged in the Access Process, which will identify, assess, consider and test the particulars of Evolyn's application. That is the primary process to be used by any entity seeking access to TMI. That process is substantially and materially incomplete.
- 12 The parties have been engaging constructively to gather evidence and explore what is or might be possible. In particular, the parties have, amongst other points of engagement, been seeking to establish terms of reference for independent reviews of capacity at TMI and technical compatibility of Evolyn's proposed rolling stock with the infrastructure at TMI. That (or equivalent) analysis will be an essential consideration in any process relating to access to TMI and must be completed in any event for proper consideration of access factors.
- 13 At this stage:
- (a) It has not been independently considered whether there is sufficient capacity at TMI for the maintenance services Evolyn seeks. As ORR is aware, VTE Holdings Limited has also approached Eurostar in relation to access to TMI, which is an additional factor for consideration in respect of capacity.
 - (b) Evolyn has not demonstrated that its proposed rolling stock is technically compatible with the infrastructure at TMI. Further, while Eurostar understands that Evolyn has identified rolling stock that it would like to procure, which has been the basis of the initial discussions about technical compatibility that have happened to date, Eurostar understands that Evolyn has not procured any rolling stock and there is no certainty at this stage that Evolyn will be able to use the rolling stock it has identified (which will need to be homologated within each of three regulatory jurisdictions across which its proposed London to Paris services will run).
 - (c) Evolyn does not have access to HS1 and any rolling stock cannot physically access TMI unless that is in place.
 - (d) It has not been assessed how, if possible, each requested service might feasibly be delivered. It should be noted that technical compatibility with TMI's rail infrastructure (which, as above, has not yet been established) does not guarantee that each requested service can feasibly be delivered at TMI.

- (e) The elements required to deliver relevant service (including initial training and ongoing competency training, management, specific safety and other requirements associated with each service etc.) have not been assessed or determined.
 - (f) The price of each relevant service has not yet been considered.
 - (g) Service considerations and actions required within TMI and by Evolyn have not been identified or assessed (e.g., signage, information for the reprogramming of specific machinery, training, ensuring ongoing competences etc.).
- 14 For the avoidance of doubt, the process that Eurostar is conducting in accordance with the TMI Service Facility Description is not subject to any unreasonable delay. Since Evolyn first approached Eurostar, considerable work has been done. Eurostar and Evolyn have met several times and a site visit has been conducted. An initial, in-house capacity analysis – which was explicitly not the independent analysis that would be used to determine whether there was sufficient capacity to accommodate Evolyn’s stated requirements – has been prepared and shared with Evolyn for comment. Initial technical compatibility analysis has been carried out insofar as it was possible to conduct that analysis based on the information that Evolyn has been able to provide to Eurostar to date. Draft terms of reference for the independent technical compatibility assessment have been prepared by Eurostar and shared with Evolyn.
- 15 Evolyn had not raised concerns about the Access Process to Eurostar prior to making its application (and still has not). While Eurostar understands that Evolyn is keen to progress matters, Evolyn has not identified grounds of urgency underlying its application. No such urgency is evident. Evolyn does not currently operate any rail services and lacks the key regulatory components to do so until clear regulatory timeframes are in place. Evolyn does not yet have a valid train operating licence or safety certification in the UK, the Channel Tunnel or France (see Evolyn’s response in its application at paragraph 1.4) or, Eurostar understands, appropriately homologated rolling stock (indeed, any rolling stock) or any of the access that it requires to operate its proposed services (namely, to London St Pancras International Station, Paris Gare du Nord, HS1, the Channel Tunnel and the French high-speed rail network).
- 16 Any depot access contract for TMI will be wholly otiose unless Evolyn obtains all related accesses, consents, approvals and certifications for its international passenger service and proposed high-speed rolling stock. As stated in Eurostar’s letter to ORR of 18 September, obtaining those will involve a wide group of interested parties. The position of those interested parties in respect to Evolyn’s proposals could be relevant considerations in determining whether a depot access contract should be granted. However, any conditions that may ultimately be attached to related access, consents, approvals and certifications will also likely have a material impact on any services Evolyn ultimately operates and, consequently, on any maintenance services that will be required. It therefore is not clear whether the depot access currently sought will be the same as that which Evolyn ultimately requires.
- 17 That Evolyn seeks to circumvent the Access Process to initiate a s.17 application to ORR that is devoid of particulars is disappointing and reflects similar difficulties that Eurostar has thus far encountered in engaging with Evolyn within the Access Process. Eurostar is concerned that ORR appears to be countenancing displacing the Access Process to take forward Evolyn’s application. This is particularly the case since the standard s.17 application process (as set out by ORR) does not appear to be designed to deal adequately with an application of the nature of accessing TMI over HS1 and for the purpose of international high speed rail passenger services (see further submissions on this below).
- 18 Indeed, as set out in paragraphs 19 and 20 below, Eurostar observes that it is very possible that Evolyn’s application is not a valid application under s.17 of the Act at all in which case Evolyn has not submitted a valid application and ORR has no power or discretion under s.17 of the Act to make a direction. ORR should therefore decline to take the purported application forward, including because s.17 has not been engaged.

- 19 Evolyn's application form has only been partially completed. Evolyn has answered only three out of the seventeen substantive questions. The answers that Evolyn has provided are materially lacking in detail. Evolyn has provided no evidence in support of any part of its application. ORR will note from previous s17 depot applications made to it and that proceeded to ORR decision (as available on ORR's website), that the Evolyn application is striking for its lack of detail and incompleteness.
- 20 Contrary to the mandatory conditions set out in paragraph 2(1) of Schedule 4 to the Act (as reflected at paragraph 3.52 of ORR's Criteria and procedures for the approval of depot access agreements), Evolyn's application does not:
- (a) contain proper particulars of the rights or terms of access Evolyn is seeking;
 - (b) contain a copy of the agreement Evolyn is seeking (see paragraph 3.68 of ORR's Criteria and procedures for the approval of depot access agreements) or specify the terms Evolyn proposes should be contained in the access agreement it is seeking; or
 - (c) include all representations Evolyn wishes to make regarding the rights or terms of access it proposes should be contained in the access agreement it is seeking.
- 21 In these circumstances, Eurostar invites ORR to make appropriate inferences about the operational maturity of Evolyn's proposals, in addition to the validity of its application.
- 22 ORR must exercise its powers and any discretion in the manner it reasonably considers to be best calculated to further its general duties under s.4 of the Act. Given the lack of information Evolyn has provided, or that is otherwise available, about its proposed services, it is simply too unclear at this stage for ORR to reach a conclusion that directing Eurostar to enter a depot access contract with Evolyn would be the best way to further the delivery of those general duties.
- 23 The inadequacy of Evolyn's application is a material impediment to any of ORR, Eurostar or any interested party properly engaging with or responding to it. The incompleteness of Evolyn's application is undoubtedly symptomatic of its prematurity. However, it also calls into question whether Evolyn has a sufficient understanding of the matters in which it has engaged.
- 24 The onus is (and properly should be) on Evolyn to provide all the information required for all relevant parties to consider and respond to the application. ORR recognises that in the certification it requires from applicants, which is an attestation that the information provided is not just true but also "*complete*". Evolyn has not done that.
- 25 The following are non-exhaustive examples of the substantive issues that ORR is simply not able to consider at this stage because Evolyn has provided no particulars or evidence to allow ORR to make informed decisions against its section 4 duties:
- (a) It is quite possible that Evolyn's services would be primarily abstractive from the services that Eurostar already operates (not least because of the material capacity constraints elsewhere in the relevant network(s)) and/or would have a deleterious impact on service provision and cost. Similarly, it also cannot be assumed that ORR imposing access to privately owned infrastructure on non-negotiated terms is likely to promote private investment into railway infrastructure in the future.
 - (b) As set out above, work is ongoing to test whether Evolyn's proposed rolling stock is technically compatible with the infrastructure at TMI. While initial work has shown some technical compatibility, it has also flagged up incompatibilities. That work needs to be progressed and, ultimately, to be conducted independently in accordance with the Access Process. In any event, full technical compatibility does not guarantee that each requested service may feasibly be delivered by TMI. Service delivery might be infeasible, as one example, where a rolling stock's technology for receiving the service and TMI's technology for delivering the service are incompatible.

- (c) Further, while the initial work to assess technical compatibility has been carried out in respect of the rolling stock that Evolyn currently proposes to use, it is not at this stage certain that rolling stock will be procured. Evolyn will need to ensure that the rolling stock it procures can access TMI and is (or is capable of being) homologated under three different regulatory regimes (the Channel Tunnel has very particular safety-related requirements). That might well necessitate a change of approach from Evolyn in due course.
- (d) Because, in breach of the requirements of the Act, Evolyn has not provided a copy of the contract it proposes be directed or any details of its terms and conditions Eurostar cannot comment directly on any proposals. However, as set out in Eurostar's Service Facility Description for TMI, Eurostar anticipates that any depot access agreement it enters will be based on elements of the ORR model depot access agreement, with additional provisions covering TMI specific matters, such as security requirements, agreed specification of services etc. Nevertheless, because no third party has previously sought access to TMI, no template depot access agreement has been prepared. TMI's unique conditions could necessitate potentially material changes to ORR's model access provisions. In this regard, it should also be borne in mind that Eurostar's lease is from the Secretary of State for Transport and is materially different from the Network Rail standard form of depot lease.

26 It would be irrational for ORR to take forward Evolyn's application. The application is not sufficiently advanced for ORR to decide that it has met the quality threshold even to be considered.

27 For the avoidance of doubt, nothing said above is intended to suggest that ORR should not retain its usual appellate role under the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 in relation to grievances about matters that are within its jurisdiction and competence, should Evolyn ultimately be unsatisfied with the Access Process.

Written representations on a s.17 process for high-speed, international passenger services

28 As stated above, Eurostar's primary position is that the process for considering access to TMI should be dealt with in accordance with the Regulations and Eurostar's Service Facility Description. That process, which had already commenced, should be permitted to continue and ORR should decline to proceed further with a parallel s.17 process.

29 In any event, as stated above, Eurostar would submit that the current s.17 process is not adequate to deal with the unique and unprecedented situation of an access application to a depot such as TMI and which would be underpinned by unconventional proposed services over HS1 and international operation. Eurostar considers that it would be illogical to consider depot access to TMI in isolation from the related need for access to the necessary stations and relevant infrastructure in the United Kingdom, France and the Channel Tunnel to deliver the service and operations seemingly proposed by Evolyn. These are pre-conditions of Evolyn's depot access application. TMI cannot physically be accessed by rail without also having access to HS1. TMI is a privately owned and operated facility that is inherently and solely a component in the operation of a cross-border service. The current s.17 processes of ORR are, Eurostar submits, designed only for access to depots on the conventional mainline rail network and associated rolling stock.

30 While ORR could take account of written representations from the wide group of interested parties engaged by that holistic process specifically in relation to access to TMI, it cannot take a central coordinating role in respect of the broader access required for Evolyn's proposed international passenger service. The operation of an international passenger service requires a holistic consideration of technically complicated and systemically complex legal, regulatory, security, political and practical issues. Only some of these aspects are within ORR's jurisdiction. ORR has no jurisdiction or regulatory competence, either solely or at all, in respect of French or Channel Tunnel railway infrastructure. Pursuant to the Channel Tunnel Rail Link Act 1996, ORR has no powers to make access directions in relation to St Pancras International Station or HS1 under s.17 of the Act – all of which is necessary for any requirement to access TMI to exist at all.

- 31 Evolyn's application is atypical. It is not a general application for access to a depot in connection with the operation of standard passenger services on Network Rail's rail network. It is an application relating to a specific cross-border passenger service that will operate on unique (within the United Kingdom) and foreign railway infrastructure. Eurostar is not aware of a precedent depot access application relating to the operation of high-speed trains for international passenger services. Inputs and consents will be required from governmental, regulatory, police and security and border authorities in the United Kingdom, France and the European Union as well as the Channel Tunnel Intergovernmental Commission. Amongst other things, special security arrangements are required for access to TMI and otherwise for the operation of an international passenger service.
- 32 ORR's existing access processes are not suited to considering access for an international rail service. There is nothing to account for the requirements for such a service to involve access to the Channel Tunnel or to French railway infrastructure.
- 33 If ORR anticipates that it will be involved in giving directions in the future in relation to access in connection with the operation of an international passenger service, it should issue bespoke guidance following an appropriate consultation process that should provide the transparency for all affected parties to consider and setting the additional and unique criteria and procedures that would be in place to approve access to a facility dedicated to high-speed international passenger trains. Potentially, TMI should be exempted from the scope of s.17 of the Act.
- 34 For completeness, ORR has no jurisdiction to direct a depot access contract at TMI for any maintenance services that are not light maintenance services. Evolyn apparently seeks access to TMI for the purpose of obtaining heavy maintenance services as well as light maintenance services (e.g., bogie drops and wheel lathes). Access for those purposes must be excluded from ORR's considerations.

Eurostar hopes that its representations assist ORR. Eurostar will continue to seek constructive engagement with Evolyn but does not consider that ORR should continue its consideration of Evolyn's application. Eurostar would be grateful for ORR's written confirmation that access matters should primarily be considered within the scope of the Access Process, including because it will inform how Eurostar is to continue its engagement with VTE Holdings in relation to the access it seeks to TMI.

Yours faithfully



on behalf of Eurostar International Limited

Enc.

Temple Mills International Depot Service Facility Description



Eurostar International Limited (“EIL”)

Temple Mills International Depot Service Facility Description

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1 General Information

Introduction

1.1 Eurostar International Limited (EIL) is the depot facility operator of one service facility, Temple Mills International depot (TMI) located in East London.

1.2 EIL's registered address is:

Eurostar International Limited
6th Floor
Kings Place
90 York Way
London
N1 9AG
United Kingdom

Temple Mills Depot's address is:

Engineering Centre - Temple Mills International Depot
2 Orient Way
London
E10 5YA

What3words.com: amber.flute.intend

All new contact in respect of access to Temple Mills Depot should be directed in writing in the first instance to:

Gareth Williams
General Secretary
Eurostar International Limited
6th Floor,
Kings Place,
90 York Way,
London
N1 9AG
United Kingdom

Email: newaccessrequests@eurostar.com

1.3 As a minimum, a new access request contact should contain:

- Details of the Applicant, including phone and email contact details
- Access sought, including frequency
- Date of request
- Services sought
- Rolling Stock access is sought for, including length and weight

1.4 This document may be updated by EIL from time to time. It is published in the regulatory section of the HS1 Limited website: <https://highspeed1.co.uk/regulatory>

- 1.6 This document sets out:
- (a) the services available at TMI to Applicants;
 - (b) the conditions of access to such services; and
 - (c) how charges for making use of these services are to be calculated

after confirmation of technical compatibility of the rolling stock intending to use the facility, and the agreement of a contract for access between EIL and the Applicant.

- 1.7 Specific security arrangements apply to the TMI site. The requirements and arrangements are not reproduced in this document but will be discussed with Applicants who are encouraged to make contact early in their planning to ensure this essential process is factored into their plans. Security clearance and strict adherence to the applicable rules at all times are a condition of entry to TMI.
- 1.8 EIL notes that, in producing this document, it has sought to highlight areas where most likely work and/or information may be required to access the TMI depot. It may be that, in the course of a specific application, additional areas are required to be covered.
- 1.9 In assessing applications and providing services EIL will comply with relevant legislation, including The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (“The Railways Regulations”). EIL will communicate on progress with the Applicant throughout application assessment procedures. Should disputes arise that cannot be resolved between the Applicant and EIL, an appeal to the Office of Rail and Road (ORR) may be possible under Regulation 32 of the The Railways Regulations.

Glossary and Definitions

- 1.10 **Applicant:** Railway Undertaking / access seeking railway enterprise seeking access to TMI.
- 1.11 **CSPS:** Compatibility Scoping and Pricing Study
- 1.12 **EIL:** Eurostar International Limited
- 1.13 **HS1:** HS1 Limited, the infrastructure manager of the UK’s high speed line consisting of track, four stations and associated infrastructure which links London to the Channel Tunnel.
- 1.14 **RU:** Railway Undertaking
- 1.15 **SDPR:** Service Delivery and Pricing Review
- 1.16 **TMI:** Temple Mills International

2 Services offered at TMI

2.1 Overview of services available at TMI for Applicants.

Basic Services

2.2 The following services are offered at TMI:

- (a) Stabling on uncovered tracks in a secure facility
- (b) Servicing –
 - (i) Toilet discharge (including replacements of fluids)
 - (ii) Water top up
 - (iii) Replacement of sand
 - (iv) Visual inspection
- (c) Cleaning –
 - (i) Exterior cleaning (manually and/or by using the automatic carriage washer)
 - (ii) Interior cleaning
- (d) Security services
- (e) Maintenance, with the exception of “heavy” maintenance
- (f) Relief facilities (toilet facilities for drivers)

Additional Services

2.3 These additional services are offered at TMI:

- (a) Traction current
- (b) Pre-heating of passenger trains

Wheel services

2.4 The following wheel services are capable of delivery at TMI:

- (a) Wheel repairs
- (b) Ultra sonic axle testing
- (c) Bogie exchange
- (d) Re-profiling

3 Description of Temple Mills International

Introduction

3.1 Temple Mills International (TMI) is a purpose-built maintenance depot exclusively for high speed rolling stock. It is based in East London. EIL is the Depot Facility Owner. The depot facility is leased by EIL from HS1 Limited. The depot is the depot and centre of maintenance for the EIL fleet.

Rail access

3.2 TMI is accessed by rail exclusively via a spur from HS1. It is not connected to the UK classic rail network. Therefore, all rolling stock seeking to access TMI must be approved for operation on HS1 infrastructure.

3.3 HS1 publishes its conditions of access in its Network Statement available at <https://highspeed1.co.uk/regulatory/key-regulatory-documents> . It has also produced a guide for new applicants available at <https://highspeed1.co.uk/regulatory/access-new-operators>. These documents provide further information on track access, including HS1 contact details.

Currently supported rolling stock

3.4 The following types of rolling stock can enter into, manoeuvre within and exit from TMI as indicated:

- (a) Class 373 (yard and train shed buildings)
- (b) Class 374 (yard and train shed buildings)
- (c) Class 395 “Javelin” (gauged to enter yard only)
- (d) Class 21 ET Krupps rescue locomotives (gauged to enter yard only)
- (e) Class 08 948 shunting locomotive

TMI Depot

3.5 The following tables list the details of and the facilities present at TMI.

Table 3.1: Information for accessing the site per road

Category	Response
Address	Engineering Centre - Temple Mills International 2 Orient Way Leyton London E10 5YA UK
Opening time for accessing the site by road	9am to 5pm (UK Time)
Speed limit	20mph
Authorized gross vehicle weight	40 tons

Table 3.2: Information for accessing the site per rail

Category		Sub-category	Response
Opening time for accessing the site by rail			5am to 12.30am
Nominal track gauge			1,435mm (UIC gauge)
Maximum acceptable rail load			1,000 tons
Nominal voltage feed			The normal traction supply to Temple Mills Depot is via a 25kV connection. Shore base supplies are via an 11kV feed.
Local restriction relative to the allowed reduced load			None
Local restriction due to the railway curve radius			None
Local restriction relative to the gauge (<GA)			None
Length of the track	Longest track usable (m)		450m
	Shortest track usable (m)		200m
	Longest covered track usable (m)		400m
	Shortest covered track usable (m)		400m
Electrification	Number of tracks which are completely electrified		x22 (inc. wheel lathe road) of 400m
	Number of tracks which are partially electrified		x1 (wheel lathe road) of 400m
	Number of tracks not electrified		x2 (wheel lathe and cripple sidings) (x1 of 400m and x1 of 200m)
	Longest electrified track (m)		400m
	Shortest electrified track (m)		400m
	Longest non-electrified track (m)		400m
	Shortest non-electrified track (m)		200m
	Longest covered electrified track (m)		400m
	Shortest covered electrified track (m)		400m
	Longest covered non-electrified track (m)		None
Shortest covered non-electrified track (m)		None	

Table 3.3: Information relative to the maintenance facilities

Category		Sub-category	Response
Track enabling access to the underneath of a set (Single pit)	Number of tracks with a "Single pit"		x8
	Maximum length of the pit		400m
Track enabling access to the side and underneath of a set (Triple pit)	Number of tracks with a "Triple pit"		x8
	Maximum length of the "Triple pit"		400m
Roof access	Number of tracks with roof access facility		x6 with 400m + x2 with 200m (80m office end + 120m on door end)

Category	Sub-category	Response
	Maximum length of the roof access	400m
Roof visit	Number of tracks fitted with facilities to carry out a roof visit	x6
	Maximal length of the gangway for roof visit	400m
Electric feed	Number of tracks with 1500V power supply	x1
	Number of tracks with 220/380V power supply	x8 tracks 220V, x8 tracks 415V
Number of bogie lifting facility		x0
Facilities to lift trainsets	Number of tracks fitted with a simlift	x0
	Number of tracks fitted with a sim lift with a length <= 50m	x0
	Number of tracks fitted with a sim lift with a length > 50m	x0
	Longest length which can be lifted	x0
	Shortest length which can be lifted	x0
	Maximum number of lifting cap / jacks per track	x0
	Minimum number of lifting cap / jacks per track	x0
	Maximum weight which can be lifted with the biggest lifting facility	x0
	Maximum weight which can be lifted with the smallest lifting facility	x0
Crane	Number of tracks with a crane facility	x11 (x8 in the shed and x3 in the wheel lathe and BD building)
	Maximum weight which can be lifted with using the biggest crane	10 tons
	Maximum weight which can be lifted with using the smallest crane	1.5 ton
	Biggest height below crane (for the biggest crane)	8m
	Biggest height below crane (for the smallest crane)	3m
Number of bogie table	Number of track with a bogie table facility	x2
	Maximum weight which can be lifted with the biggest bogie table	10 tons
	Maximum weight which can be lifted with the smallest bogie table	10 tons
Presence of mobile lifting platform for people		x2 scissor lifts
Is there any wheel lathe facility?		Yes

Table 3.4: Information relative to the cleaning facility

Category	Response
Number of tracks with cleaning facility	x8 interior and x3 stabling side tracks (for interior cleaning)
Number of tracks with water connexion to be used to clean the sets	x8
Number of tracks with LDA / CET facility	x2
Number of track with a car wash facility	x1

Table 3.5: Information relative to the logistics installation

Category	Response
Number of tracks for sand replenishment	x8
Number of tracks with a fixed facility to replenish windscreen cleaning liquid	x8
Number of tracks with a fixed facility to replenish cooling liquid	x8
Number of tracks with fixed facility for oil replenishment	x8

3.6 At the time of publication, there are currently no planned changes to the technical characteristics or any temporary restrictions to capacity of TMI which could have a major impact on its operation. Applicants considering seeking access are advised to contact EIL in advance to confirm the latest position.

4 Access and charges

Introduction

- 4.1 This section sets out how compatibility with TMI will be established, and prices of specific services are to be calculated. All prices will be in GBP and exclusive of VAT.
- 4.2 This section also indicates where services within the depot are currently provided by third parties under RU-specific contracts.
- 4.3 The price of each service will depend on factors including:
- the particular characteristics of the Applicant's rolling stock, and
 - the nature of services requested.
- 4.4 An application for access and services must be in writing. As a minimum, to commence the process it must contain the information set out in paragraph 1.3 above, and be made to the address in paragraph 1.2 above. Depending on the content of the contact and the nature of the request, it may be necessary for EIL to request further information in order to proceed with a request. Applicants are encouraged to provide as much information as is possible in their initial contact as this will assist with the following process. Where the rolling stock seeking access is already authorised to operate on HS1, applicants may provide this as part of their application (evidence required is set out in 4.15 below).
- 4.5 Each new application for services will lead to a detailed three step study, the Compatibility, Scoping and Pricing Study (CSPS), to determine –
- (a) Technical compliance of the Applicant's rolling stock with HS1.
Only if the Applicant can demonstrate technical compliance with HS1 will the next step of the CSPS be initiated.
 - (b) Technical compatibility of the Applicant's rolling stock with the infrastructure in TMI (permanent way and covered facilities).
Only on successful demonstration of the compatibility of the Applicant's rolling stock with the track and facilities in TMI will the third stage of the CSPS be launched.
 - (c) How each requested service will be delivered and priced, including establishment of service.
- 4.6 These steps are further described in the next subsection.
- 4.7 All costs of a CSPS, including those of EIL and any external resource that may be required by EIL for the purpose of the CSPS (for example specific technical expertise), will be borne by the Applicant.
- 4.8 Throughout the process the Applicant will be required to promptly –
- (a) Provide all proofs of technical compliance with / homologation on HS1 as requested.
 - (b) Provide all necessary data (specifications, certificates, licences etc) and details of personnel that will be responsible for the application process, access contract and/or who will access TMI).
 - (c) Cooperate fully with EIL in good faith and a timely manner in the carrying out of the CSPS. This includes, but is not limited to, in response to any requests for further information that may be necessary during the study, and in respect of any credit check required.
- 4.9 Section 5, "Access Conditions", provides information on the contractual procedure for an Applicant to gain access to TMI once the CSPS has been completed with agreement on which services offered by EIL at TMI are to be used by the Applicant, and the associated prices for scheduled access to TMI and for these services, which will form part of the contract.

- 4.10 Nothing in this document shall require EIL to make any investment to accommodate or otherwise facilitate an Applicant's request. Any investments proposed by an Applicant and agreed by EIL shall be at the cost of the Applicant. All costs associated with EIL's consideration of an investment proposal shall be met by the Applicant.
- 4.11 A charge shall be raised per train. There will be standard access charges levied whatever services are carried out in the depot. These charges comprise an entry fee and an exit fee.

Compatibility, scoping and pricing study (CSPS)

- 4.12 The three steps of the CSPS are described in more detail below.

CSPS: Technical Compliance – HS1

- 4.13 Rolling stock access to TMI is via HS1. It is a condition of access to TMI that rolling stock is authorised to operate on HS1, the depot's sole connecting rail infrastructure.
- 4.14 The Applicant will need to demonstrate to EIL's satisfaction that:
- its rolling stock is technically compliant with HS1;
 - at the time the rolling stock will be seeking access, it will be authorised to operate on HS1.

- 4.15 For rolling stock that is already authorised to operate on HS1:

This can be demonstrated by evidence of the approvals, authorisations and contracts in place to operate on HS1. Details of the approvals, authorisations and contracts required to access HS1 are set out in the current version of the HS1 Network Statement and are also outlined in the HS1 New Operator Guide (see 3.3 above). This evidence can be provided as part of the application for access.

- 4.16 For rolling stock not that is not already authorised to operate on HS1 at the time of commencing an application for access:

In order for the CSPS to proceed to the next stage it will be necessary to demonstrate to the Depot Facility Operator's satisfaction that the rolling stock in question will be authorised to operate on HS1 prior to the time that access to TMI is sought to commence. If this is applicable, please contact EIL. Evidence of this will be required to be provided.

- 4.17 In all cases, the precise approach by which such compliance is demonstrated will necessarily reflect the Applicant's rolling stock and timing of access request. It cannot be fully anticipated in advance, but will instead be specified and agreed at the start of the CSPS process.
- 4.18 If compliance cannot be demonstrated by the Applicant within six weeks, then the CSPS will not proceed. In such a case, a new application for access following the process set out in this document will be required.

CSPS: Technical Compatibility – TMI

- 4.19 Having demonstrated technical compliance with HS1, the next stage is for the Applicant and EIL together to determine the technical compatibility of the Applicant's rolling stock with the infrastructure at TMI, principally:
- (a) Entering TMI and moving to the locations where the requested services are offered (some or all of which may be in a covered facility);
 - (b) Manoeuvring within TMI including between locations where the requested services are offered (some or all of which may be in a covered facility);
 - (c) Exiting TMI by moving from the location(s) where the requested services are offered (some or all of which may be in a covered facility) and re-joining HS1's infrastructure.

- 4.20 The precise approach by which such compatibility is demonstrated will necessarily reflect the Applicant's rolling stock and thus cannot be anticipated in advance but will instead be specified and agreed at the start of the process. If such compatibility cannot be demonstrated to EIL's satisfaction, taking into account the need to safely operate and manoeuvre the rolling stock in a facility that is used by and to deliver services to other high speed rolling stock, then the CSPS stops and the Applicant's request for services at TMI is rejected. Depending on the nature of the request and rolling stock, this process may require input from external experts in order to validate compatibility.
- 4.21 As well as considering the physical, mechanical, electrical and electro-magnetic aspects of the Applicant's rolling stock, the depot characteristics and infrastructure and risk assessment, this step of the CSPS will need to include the following considerations:
- (a) Visual inspection of the rolling stock by TMI staff.
 - (b) The need for TMI staff to either:
 - (i) drive (under supervision of Applicant's suitably competent staff); or
 - (ii) ride in the cab, with a suitably competent Applicant driver, of the Applicant's rolling stock.
 - (c) The interface between the Applicant's rolling stock systems and those used at TMI, including to control and log rolling stock movements within the site.

The above list is not exhaustive and, depending on the services requested by the Applicant and the Applicant's rolling stock, other factors may need to be taken into account.

- 4.22 If technical compatibility is successfully demonstrated to EIL's satisfaction, then the data gathering and analysis carried out during this step will enable the following prices for the Applicant's request to be determined:
- (a) Entry fee (payable for each entry to the site and covering site access, entry signalling support and arrival security procedures), dependent on the Applicant's rolling stock and estimated to be no lower than £188 (excluding VAT).
 - (b) Exit fee (payable for each exit from the site and covering site egress, exit signalling support and exit security procedures), dependent on the Applicant's rolling stock and estimated to be no lower than £95 (excluding VAT).

CSPS: Service Delivery and Pricing Review (SDPR)

- 4.23 On successful demonstration that the Applicant's rolling stock is technically compliant with HS1 and technically compatible with TMI, the next step is for TMI to review each service requested by the Applicant and determine -
- (a) how, if possible, each requested service may be feasibly delivered, including relevant safety assessments and, where it may be required, the elements required in order to deliver the service (including training and ongoing competency training, management, specific safety and other requirements associated with each service etc.); and
 - (b) the price of each service which can be feasibly delivered.

In this context, it is noted that technical compliance with HS1 and technical compatibility with TMI's rail infrastructure (permanent way and covered facilities) does not guarantee that each requested service may be feasibly delivered by TMI. This may happen, as one example, where a rolling stock's technology for 'receiving the service' and TMI's technology for 'delivering the service' are incompatible.

- 4.24 Also included at this stage will be establishment of service considerations and actions required within the depot and by the Applicant will be assessed (for example, for signage for services or indicate where there is restricted access, information for the reprogramming of specific machinery); training and ongoing competence required in respect of the Applicant's rolling stock, procedures etc., and review of and acceptance by TMI of Vehicle Maintenance Instructions where these form part of an accepted request.

- 4.25 The details of each service delivery review will vary according to the services requested and the specific characteristics of the Applicant's rolling stock. All costs, including those of TMI, will be met by the Applicant.
- 4.26 Applicants should note that self-supply of services is not possible for services delivered by TMI personnel. Where entire services are provided by an external contractor at TMI to a specific RU, self-supply may be possible where the supply meets all relevant access requirements (including risk assessment, security and site rules and policies compliance). This will need to be discussed with, and agreed by, TMI.
- 4.27 The general factors to take into account in each SDPR include the following:
- Available capacity at TMI.
 - Existing service requests.
 - How the agreed services can be delivered by considering, for example -
 - What additional equipment an Applicant may need to provide (for example, adaptors or other special tools to enable its rolling stock to connect to TMI equipment) and the risks associated with such equipment.
 - Interfaces between an Applicant's rolling stock information systems and the systems used at TMI.
 - What training of TMI staff is required to deliver the agreed services to the Applicant (charged by the hour or part thereof).
 - Whether and how the Applicant will provide its own consumable materials (for example sand).
 - The procedures associated with access to TMI (particularly related to security, training, transport and storage).
 - What (if any) additional insurance is required for the Applicant to access TMI and to deliver the agreed services in the agreed manner.

The above list is not exhaustive and, depending on the services requested by the Applicant and the Applicant's rolling stock, other factors may need to be taken into account.

- 4.28 The following table describes the key service and rolling stock specific factors of an SDPR that can be anticipated at this stage:

Table 4.1: Key service and rolling stock specific factors included in an SDPR

Service		Key factors for inclusion in the SDPR
Servicing	Toilet Discharge <i>With or without (as necessary)</i> Fluids Replacement	<ul style="list-style-type: none"> • Number of toilets • Length of the trainset • Volume of the toilet tanks • Precise sequence of activities required to be done to enable the discharge of the toilets / replacement of the fluids of the trainset. • These inputs will quantify the time to be taken and extent of resources required. • Labour billed per hour, or part thereof
	Water top-up	<ul style="list-style-type: none"> • Number of tanks • Length of the trainset • Volume of the tanks • Precise sequence of activities required to be done to enable the water top up of the trainset. • Labour billed per hour, or part thereof

Service		Key factors for inclusion in the SDPR
	Visual inspection	<ul style="list-style-type: none"> • Specification of the visual inspection • Corrective actions required should a visual inspection identify any faults • Length of the trainset • Labour billed per hour, or part thereof
	Sand replenishment	<ul style="list-style-type: none"> • Number of sand tanks • Length of the trainset • Volume of the sand tanks • Precise sequence of activities to be done to enable the sand replacement • Supply of the sand by the Applicant / Supply by EIL or not and any consequent storage/delivery issues • Labour billed per hour, or part thereof
Cleaning	Exterior cleaning with automatic carriage washer	<ul style="list-style-type: none"> • Subject to compatibility of the rolling stock with the automatic carriage washer • Length of the trainset • Water and cleaning product usage • Electricity usage • Billed per hour, or part thereof
	Exterior manual cleaning	<ul style="list-style-type: none"> • Manual cleaning services at TMI are provided to the existing RU by an external contractor. Depending on the request, these services may be self supplied, subject to risk assessment, security clearance and observance of all rules. • Due to the nature of the site, third party contractors that are permitted to enter the site to provide services will need to comply with security, safety, and site rules and be subject to a risk assessment before work may be commenced. • Occupancy and depot management will be charged for performance of these services. • Factors that can influence cleaning include: <ul style="list-style-type: none"> ○ Length of the rolling stock ○ Water and cleaning product usage ○ Number of resources needed to clean the interiors of the rolling stock ○ Specification of the interior cleaning
	Interior cleaning	<ul style="list-style-type: none"> • Manual cleaning services at TMI are provided to the existing RU by an external contractor. These services may be self supplied. • Due to the nature of the site, third party contractors that are permitted to enter the site to provide services will need to comply with security, safety, and site rules and be subject to a risk assessment before work may be commenced. • Occupancy and depot management will be charged for performance of these services. • Factors that can influence cleaning include: <ul style="list-style-type: none"> ○ Length of the rolling stock ○ Water and cleaning product usage ○ Number of resources needed to clean the interiors of the rolling stock ○ Specification of the interior cleaning
Security services		<ul style="list-style-type: none"> • There are strict security rules in place at TMI. These rules apply to the entire site. • All Applicants must at all times comply with security arrangements and procedures in order to access the site, and procure that any member of their staff or of any approved third party visiting TMI do the same. • Billed per hour or part thereof.

Service		Key factors for inclusion in the SDPR
Light maintenance (i.e exams with a frequency of 12 months or less)		<ul style="list-style-type: none"> • Specification of the maintenance activity • Specification of the rolling stock components being maintained • Any requirement for spare / replacement parts, to be agreed by TMI and the Applicant (bespoke parts are likely to be supplied by the Applicant). Storage of items is limited at the site. Arrangements for delivery for maintenance to be discussed with, and agreed by, TMI. • Any requirement for repairs if corrective maintenance is needed (inc. parts) • Training and ongoing competence training of resources required to work on the rolling stock seeking access • TMI does not permit self-supply of maintenance services. • Labour billed per hour, or part thereof
Wheel services Wheel services at TMI are provided by an external third party under an RU specific contract.	Wheel repairs	<ul style="list-style-type: none"> • Specification for the wheel repair • Specification of who is to carry out the repair (TMI, Applicant, Third Party if applicable) • Specification of the rolling stock's wheels
	Ultra-sonic axle testing (UAT)	<ul style="list-style-type: none"> • Specification for the UAT • Specification of the rolling stock's axles • Any requirement for repairs if corrective maintenance is needed (including parts)
	Bogie exchange	<ul style="list-style-type: none"> • Specification for the bogie exchange • Specification of who is to carry out the repair (TMI, Applicant, Third Party) • Specification of the rolling stock's bogies • Any requirement for repairs if corrective maintenance is needed (including parts)
	Re-profiling wheels	<ul style="list-style-type: none"> • Specification for the reprofiling wheel (=> machine set up) • Specification of the rolling stock's wheels • Any requirement for repairs if corrective maintenance is needed (including parts)
Stabling / Site Occupancy charge		<ul style="list-style-type: none"> • The requirements for stabling or site occupancy, including time required, nature of rolling stock (including length of rolling stock). • The current hourly stabling/occupancy charge for scheduled access for a 400m train set at TMI outside on uncovered sidings at TMI is GBP 105 <u>excluding</u> VAT and insurance costs. This cost is for stabling/occupancy only. It does not include other costs associated with accessing or utilising services within the site. Charges are levied at an hourly rate for each hour or part thereof.

Service	Key factors for inclusion in the SDPR
For all services	<ul style="list-style-type: none"> • An entry and an exit fee will be charged for each entry to the site. • Labour costs – For services these will be charged at an hourly rate for each hour or part thereof. These are at functional personnel grade. The TMI grades include: <ul style="list-style-type: none"> ○ Rolling Stock Management ○ Planning ○ Production ○ Train Cleaning Management ○ Infrastructure ○ Engineering ○ Maintenance • Miscellaneous costs associated with access, including training costs for TMI personnel required to maintain Applicant RU and associated competency retention costs, TMI insurance costs. Insurance costs will consist of a proportion of existing costs, plus any increase in insurance costs of the site due to the entry of and / or provision of services to the Applicant. • Shunting as required • A safety review and risk assessment will be required to ensure, inter alia, the continuing safe operation of the depot, and specific delivery of the access request.

4.29 Depending on the Applicant and the Applicant's choice of rolling stock, not all the above factors may apply, and additional factors may need to be taken into account in the SDPR.

4.30 The two factors anticipated as most likely to occur in an SDPR are the occupancy of the track at TMI by the Applicant's rolling stock (e.g. for stabling) and the engagement of TMI staff.

As an indication, TMI staff rates vary by specialism and range between GBP 46 – 100 per hour.

Emergency Access

Emergency access during an emergency affecting the railway will be granted in line with EIL's light maintenance depot licence obligations, as is necessary or expedient to alleviate the effects of the emergency. Such access being in so far as is possible including under EIL's legal obligations. Emergency access will be charged at separate rates to those agreed for planned access.

5 Access Conditions

5.1 To access TMI, a number of relevant conditions must be fulfilled and maintained by the Applicant. Principally these include:

- Relevant licence and safety certification to operate services on the railway network.
- Track access agreement with HS1, or evidence that this will be in place before access to TMI is to begin. In any event, a condition of access is that at all times the Applicant has a valid track access agreement with HS1.
- Compliance with all relevant laws, regulations, site rules and policies.
- Compliance with all security arrangements.
- Possession of relevant insurance to cover access to the depot.
- Entry into a depot access agreement with the depot facility owner.
- At all times to respect the provisions and obligations of EIL's light maintenance depot licence and not to do or cause to be done anything that would or could be expected to put EIL's light maintenance depot licence at risk.
- Initial credit check, and ongoing solvency of the Applicant.
- Prompt payment of invoices. Where invoices are unpaid or are persistently paid late, access will not be permitted and a charge by levied for capacity reserved but unused.
- Effective and timely communications with the Depot Facility Owner, including:
 - (i) Promptly informing TMI of disruptions or anticipated deviations from the agreed access programme, particularly train delays. Delayed trains may not be permitted access to the facility.
 - (ii) Any other incidents or information that may have a material impact on the operation or performance of the service facility.

6 Capacity Allocation and Contractual framework

Capacity Allocation

- 6.1 Applicants must submit requests for access in writing.
- 6.2 Where requests for access are subject to conflicting requests, TMI will operate a coordination procedure with the Applicants with the aim of reaching a solution with Applicants in the coordination procedure.
- 6.3 An operating plan will be produced by TMI where this is necessary, which will list the access and services for each Applicant.
- 6.4 Where requests cannot be satisfied following the coordination procedure, the following criteria will be applied (without priority) to guide TMI's decision:
 - Capacity already allocated within the facility.
 - Effective use of facility in Y-1 compared to the capacity requested.
 - Provisional days of use, frequency and seasonality.
 - Chronological arrival of the requests, for requests issued within the year, or issued late following the start of the year.
 - Motivation and justification for the request.
 - Complexity of accommodating the request and its overall impact on the facility.
- 6.5 Following a capacity allocation decision, the Applicant that does not have their request as submitted fulfilled may work with TMI to establish whether there are any viable alternatives that would make performance of the service(s) possible under economically acceptable conditions.
- 6.6 In the situation where it is concluded there are no viable alternatives under economically acceptable conditions, the request for access shall be rejected.

Contractual framework

- 6.7 As a condition of access, Applicants will be required to enter into a depot access agreement with the depot facility owner.
- 6.8 The contract will be based on the elements of the ORR model depot access agreement, with additional provisions covering TMI specific matters, such as security requirements, agreed specification of services etc.

Payment of charges

6.9 Details of the invoicing arrangements will be set out in the contractual arrangements. Invoicing will be in advance per quarter and must be paid within 14 days of issue.

Operational disruption within the depot

6.10 The applicant is responsible for access charges in the event it is unable to access the depot due to its own operational disruption. Where it is unable to access due to operational disruption within TMI, no charge shall be payable. To avoid doubt:

- Any operational disruption on HS1 shall not be regarded as TMI (or EIL) operational disruption for this purpose; and
- Depot maintenance or other infrastructure work or planned operations at TMI shall not constitute operational disruption for this purpose. Unless conducted as an emergency, such works will be notified to the Applicant in advance, providing at least 3 weeks' notice of such works.