

BY EMAIL ONLY

12 June 2025

Andrea Pearson OBE
Deputy Director International Rail and Rail Freight
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Dear Ms Pearson,

APPLICATIONS FOR DIRECTIONS UNDER SECTION 17 OF THE RAILWAYS ACT 1993 – INTERESTED PERSON DESIGNATION

1. The Office of Rail and Road (ORR) is currently considering four applications submitted under section 17 of the Railways Act 1993 (the Act). Each application requests that ORR gives Eurostar International Limited (Eurostar), as the depot facility owner of Temple Mills International Depot (TMI), directions to enter into a depot access contract with the relevant applicant.

2. The applications have been received from:

- Evolyn;
- VTE Holdings Limited (VTE);
- Gemini Trains (Gemini); and
- Trenitalia France (Trenitalia)

3. In line with the statutory process outlined in Schedule 4 of the Act, we required Eurostar to furnish ORR with the name and address of every interested person and to state the capacity in which Eurostar considers them to be an interested person. The Act defines an “interested person” as:

*“any person whose consent is required by the facility owner, as a result of an obligation or duty owed by the facility owner which arose after the coming into force of section 17 of the Act, **before the facility owner may enter into the required access contract,**”* [emphasis added].

4. Eurostar has identified the Secretary of State for Transport, and the Department for Transport (DfT) as interested persons as freeholder of TMI and Eurostar’s landlord pursuant to its lease of TMI. Eurostar states that consents are required in accordance with that lease.

5. In addition to providing information on interested persons, Eurostar also raised a number of preliminary points in relation to the applications, which we wanted to consider in the first instance. Our response to the preliminary issues raised by Eurostar can be found on ORR's website here <https://www.orr.gov.uk/sites/default/files/2025-03/2025-02-27-orr-response-to-eurostar.pdf>

6. Having concluded our consideration of the preliminary issues raised by Eurostar and following the publication of [Temple Mills Depot – Independent Capacity Assessment 2025](#) we are now contacting you as a party identified by Eurostar as an interested person.

7. We have been provided with a copy of the lease between the Secretary of State for Transport and Eurostar dated 30 September 2010. On review of that lease, we note that Eurostar requires certain consents from the Secretary of State for Transport. However, it is not immediately apparent that those consents are required **before Eurostar can enter into a depot access agreement**. Therefore, on the basis of the information currently available, ORR is not able to conclude that the Secretary of State satisfies the legal definition of an interested person as set out in the Act. However, if you have further information in this regard, we would be happy to consider this matter further.

Invitation to provide representations

8. At its discretion, ORR may invite representations from any party that it considers has a wider interest in an application for directions to ensure they have an opportunity to provide any representations that they wish to make. As freeholder of TMI and Eurostar's landlord via its lease of the depot, ORR wishes to invite the Secretary of State for Transport/Department for Transport to provide written representations on the applications for directions.

9. We are providing the following for your consideration:

- A copy of Evolyn's application. Please note that this includes two application forms, the later of which is dated 24 October 2024 and contains additional information supplied by Evolyn in respect of its application
[Evolyn application form \(redacted\)](#)

[Evolyn updated application form \(redacted\)](#)

- A copy of VTE's application. Please note that this includes two application forms, the later of which is dated 7 November 2024 and contains additional information supplied by VTE in respect of its application
[VTE Holdings Limited application form \(redacted\)](#)

[VTE Holdings Limited updated application form \(redacted\)](#)

- A copy of Gemini's application.
[Gemini Trains application form](#) (redacted); and
- A copy of Trenitalia's application. Please note that this was supplemented by a letter dated 11 April 2025 which contains additional information supplied by Trenitalia in respect of its application:
[Trenitalia France application form](#) (redacted)

[Trenitalia France further information letter](#) (redacted)

Disclosure and publication

10. In accordance with paragraph 4(3) of Schedule 4 to the Act, ORR is required to send a copy of any representations received from an interested person to the facility owner and to the applicant. ORR proposes to adopt the same approach in respect of representations from a party with a wider interest. In this regard, please note that we will seek to provide a copy in full to Eurostar, to Evolyn, to VTE, to Gemini and to Trenitalia of any representations made by the Secretary of State. We will, however, give consideration to requests for non-disclosure and in doing so we will generally apply the same test as set out in section 71(2) of the Act (see paragraph 11 below). Therefore, if there is any information contained within your response that you consider is commercially sensitive or confidential then please make this clear in your response and we will consider whether it would be appropriate in the circumstances to exclude such information.

11. We may publish your response on ORR's website in line with our usual processes. To that end I should be grateful if you would indicate in your response whether there are any matters that you consider should not be published. The criteria for making exclusions are specified in section 71(2) of the Act. They cover any matter which relates to the affairs of an individual or a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of ORR, seriously and prejudicially affect the interests of that person or body. You should therefore set out for each proposed exclusion your reasons, demonstrating why publication may seriously and prejudicially affect the interests of that person or body.

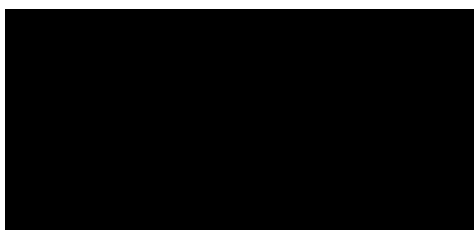
Next steps

12. In our letter of 5 June 2025, we indicated that the deadline for a response to this request for further information, clarifications and representations would be 3 July 2025. ORR has received a request for a short extension to this deadline of one week from one of the stakeholders. We have decided to adjust the deadline for all stakeholders to 10 July 2025. Therefore, please provide your response to this letter no later than 10 July 2025.

13. I would be grateful if you would email your response to this letter to StationsandDepots@orr.gov.uk

14. If you have any questions in the meantime, please do not hesitate to contact me.

Yours sincerely,



Ian Biggar