

BY EMAIL ONLY

12 June 2025

Adrian Quine
Chief Executive Officer
Gemini TOC Limited
3rd Floor
Great Titchfield House
London
W1W 8BD

Dear Mr Quine,

GEMINI TOC LIMITED'S APPLICATION FOR DIRECTIONS UNDER SECTION 17 OF THE RAILWAYS ACT 1993 FOR ACCESS TO TEMPLE MILLS INTERNATIONAL DEPOT

1. As set out in our letter of 5 June 2025 and in accordance with paragraph 3(3) of Schedule 4 to the Railways Act 1993 (the Act), we are now writing to invite further information, clarification and representations from Gemini TOC Limited (Gemini) regarding its requirements for access to Temple Mills International depot (TMI).

Application from Gemini

2. In your application submitted on 28 February 2025 to the Office of Rail and Road (ORR) for a depot access contract under Section 17 of the Act, you stated Gemini's access requirements for TMI as follows:
 - 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,

9) Access rights for a minimum of 10 years, which will support Gemini's purchase of suitable train sets.

3. Could you please confirm whether the requirements detailed above remain the same. If not, and if any or all of Gemini's requirements have changed, please provide details of your updated requirements. Please also provide any additional information about Gemini's requirements for access to TMI that would assist ORR in the assessment process provided in our letter of 5 June 2025 and attached at Appendix A for ease of reference.
4. In addition to the above and in order that we can assess the application from Gemini could you please provide details on the following:

Availability of capacity

5. Please indicate how the available capacity identified at TMI is sufficient to support the delivery of Gemini's service delivery plans.

Performance

6. What, if any, will be the impact on operational performance of Gemini's proposed use of capacity at TMI?
7. How has Gemini assessed the impact on operational performance?
8. Please provide any evidence to support Gemini's assessment of impact on operational performance.

Operational Readiness and Viability

9. Please provide evidence of Gemini's Delivery Plans, clearly detailing the timescales in which Gemini will utilise the requested capacity at TMI and how that capacity will be used to deliver services.
10. Please provide an explanation of Gemini's progress towards securing other necessary access agreements and regulatory approvals.

11. Please provide details of Gemini's rolling stock plans, to include:

- Rolling stock class
- Rolling stock compatibility
- Rolling stock delivery plan
- Rolling stock depot strategy
- Rolling stock maintenance plan
- Rolling stock stabling
- Rolling stock delivery timescales
- Modifications to TMI that Gemini envisages are required to accommodate its rolling stock plans.

Financial Viability

12. Please provide a copy of Gemini's Business Plan(s). Please include evidence of the finance secured to enable services to be run in the short, medium and long term. Details should also include rolling stock financing arrangements.

Economic and societal benefits associated with the application

13. Please provide evidence of Gemini's assessment of the benefits to passengers, or any wider benefits, of introducing new services.

14. Please provide evidence of how your proposed services will contribute to growth of the market for international rail services to/from the UK.

15. What, if any, assessment has Gemini made of the financial impact on existing operators of introducing new services? If available, please provide evidence to support Gemini's assessment.

Views of Stakeholders

16. Does Gemini wish to make any representations on issues raised by other stakeholders that it has not had the opportunity to make to date?

Any other information, clarification and/or representations

17. Please take the opportunity to provide any additional information and evidence in support of your application that you wish ORR to take into account.

Deadline for Gemini's response

18. 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.

Publication and disclosure

19. We intend to publish your response on our 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 Gemini considers should not be published. The criteria for making exclusions are specified in section 71(2) of the Railways Act 1993 (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 Gemini (or any other body or person, if you think that is an issue).
20. ORR also proposes to share any further information, clarification and/or representations that Gemini provides with Eurostar. 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. Therefore, if there is any information contained within your response that you consider is commercially sensitive or confidential then you should make this clear in your response and we will consider whether it would be appropriate in the circumstances to exclude such information. Please note that we intend to take the same approach to information, clarification and/or representations received from all other applicants, from Eurostar and from interested persons/parties with a wider interest.

Next steps

21. We may be in touch to request further details as we review your application (and the information that you have provided so far). If you have any questions in the meantime, please do not hesitate to contact me.

Yours sincerely,



Ian Biggar

Annex A: Assessment criteria

To inform our consideration of our section 4 duties, there are several key criteria we use to assess applications for access, including where there are competing applications and/or applications to use constrained capacity. We set out below the key criteria and evidence that ORR intends to use as part of our assessment of the section 17 applications. These are informed by the information currently available to us and are shown in no particular order, in the table below.

Criteria	Relevant Duties	Evidence
Availability of capacity	Promote the use and development of the network to the greatest extent economically practicable.	Evidence that use of the available capacity is justified by operators' service plans and is sufficient to support delivery of those plans.
Performance	Promote improvements in railway service performance.	Demonstration that operators' plans for more extensive use of TMI will not negatively impact operational performance.
Operational readiness and viability	Promote efficiency and economy on the part of persons providing railway services.	Delivery plans demonstrating clear intent and ability to use the capacity promptly. Explanation of progress towards securing other necessary access agreements and regulatory approvals.
Financial viability	Promote efficiency and economy on the part of persons providing railway services. Otherwise protect the interests of users of railway services.	Appropriate business plans, suitable expertise and a reasonable expectation of securing the required investment and rolling stock.
Economic and societal benefits associated with the applications	Promote competition in the provision of railway services for the benefit of rail users. Otherwise protect the interests of users of rail services.	Evidence so that we can assess the benefits (e.g. to passengers) of introducing new services and the anticipated financial impact on existing operators.
Views of stakeholders	Enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.	Operators' responses to issues raised by other stakeholders during the process.