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Sent by email to: stationsanddepots@orr.gov.uk

18 September 2025

Dear Ian,

Eurostar response to the ORR's letter dated 15 August 2025 regarding applications for directions under section 17 of the Railways Act 1993 for access to Temple Mills International Depot

Thank you for your letter of 15 August 2025, inviting Eurostar to reply to the submissions from Evolyn, VTE, Gemini and Trenitalia. We set out our response in the attachment to this letter.

We look forward to our further engagement.

[ ]

Gareth Williams

Eurostar General Secretary

Attachment: Eurostar's submissions in response to applicants' and other stakeholders' submissions

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Eurostar's submissions in response to applicants' and other stakeholders' submissions

1 INTRODUCTION

1.1 The processes that the ORR has been conducting under s.17 have confirmed that there is broad commercial interest in international passenger rail services to and from the UK and with investable business cases (or potentially investable business cases) if the right railway infrastructure is in place. Eurostar welcomes that interest.

1.2 Eurostar has been, and remains, a committed advocate of the benefits of international passenger rail services, which deliver broad economic, social and environmental benefits. That is underlined by Eurostar's plans to purchase and introduce a new fleet of up to fifty new trains.

1.3 The submissions to the ORR in the context of the s.17 processes provide a glimpse into exciting ideas for the long-term future of the international passenger rail market.

1.4 There is a clear opportunity for the UK to capitalise and become the leader in cross-Channel rail services and operations. That should be grasped through system-wide support and investment in all aspects required for the operation of international passenger rail services, from terminals and stations to depots.

1.5 As things stand, there are no firm conclusions on available capacity at TMI, but, even if the availability of some relevant limited capacity can be established at TMI, each of the applicants' and Eurostar's plans set out ambitions that ultimately seek to go far beyond what any residual capacity at TMI can provide.

1.6 These s.17 applications can only be focussed on whether there should be a direction to enter an access contract in relation to TMI; that is an inherent constraint of the s.17 process which ORR is now conducting. However, the vote of confidence in the existence of significant and growing demand for international travel by rail calls for coordinated, system-wide action by Government and the ORR and all other stakeholders to plan and invest in infrastructure that supports the true potential for international rail services and the associated jobs and investment. There is no reason the necessary decisions to facilitate that wider growth cannot be taken now – both Eurostar and its potential competitors are asking for this. Eurostar calls for swift action taken in parallel with business and operational planning to deliver expanded infrastructure capacity beyond TMI.

1.7 It is an error for the ORR to view the broad issue of international passenger rail market growth and development as a dilemma about which operator gets what spare capacity can be found at TMI today. That cannot, by any measure, be considered the approach best calculated to further the ORR's duties under s.4. It will deprive the UK and railway users of the environmental, economic and social benefits that are there to be grasped.

1.8 In France and elsewhere in continental Europe there is also increasing, sustained demand for high-speed passenger rail travel. Like in the UK, that would be potentially constrained by available depot capacity, but public and private sector stakeholders have not stood still on that issue. The ORR and Government will no doubt be aware of the plans of the likes of Velvet (previously named Proxima Rail) in France to launch new high-speed services with new rolling stock in 2028, but as the first user of a purpose-built new maintenance depot, Marcheprime, which is being built and will be operated by a private concessionaire, Liséa. Similar avenues for complementary development of infrastructure alongside new services could be explored and facilitated in the UK.

1.9 Eurostar calls for all involved and all stakeholders to look beyond the parameters of these s.17 processes to adopt and encourage a similarly proactive strategy to facilitate the ability of operators to service the demand for international passenger rail travel from a UK base and to secure the associated social, environmental and economic benefits for the UK. At present, despite the narrow parameters of the s.17 processes, it is evident that applicants and stakeholders have aspirations that are irreconcilable with current practical and operational realities.

1.10 If the UK can deliver new depot capacity, it can capitalise on the further significant benefits of:

(a) economic growth;

(b) industrial development;

(c) creation of highly-skilled jobs;

(d) making the UK a hub for the maintenance of high-speed trains on a grand scale (e.g. utilising synergies with TMI and the HS2 depot in Calvert); and

(e) strengthening the UK's ties to continental Europe.

1.11 Ready-made opportunities for major infrastructure investments where there are already customers eager to use it in the long-term to meet growing market demand are rare opportunities to be seized. A new depot could be designed from the outset for multi-occupancy use and otherwise tailored to the needs of those who want to use it. If things move at pace, it will deliver far greater benefits to users than a new entrant to TMI ever could, if synchronised with anticipated delivery of new rolling stock. Eurostar believes such an approach is cleaner and likely to prove as quick to deliver as the complexities of trying to adapt existing infrastructure whilst this continues in daily operation.

1.12 This investment outlook and the opportunities for investment identified mirror many of the principles of the ORR's Rail Network Investment Framework for the mainline network and the ORR's recent Part 1 "Deep Dive" review of that framework in June 2025 (following a request from the Chancellor of the Exchequer in March 2025). That "Deep Dive" review identified pent up demand in the UK to invest in rail infrastructure given enough certainty and the existence of ready business cases to support investment. This opportunity plainly now exists on the international corridor. This is especially the case now the UK Government has taken the major and positive step of entering into inter-governmental agreements with France, Switzerland and Germany to facilitate international rail development across the Channel and with multiple parties now making the case for rail services and rolling stock procurements. We urge the ORR and the Government to look beyond s.17 and apply the lessons of its own review.

1.13 Notwithstanding Eurostar's overarching position on the opportunities for growth of the international passenger rail market, the remainder of this response focuses only on matters within the strict scope of the ORR's remit under s.17 and of these s.17 processes.

2 SUMMARY OF EUROSTAR'S SUBMISSIONS

2.1 For ease of reference, the principal arguments made by Eurostar in the remainder of this submission may be summarised as follows:

(a) There is no robust assessment of capacity on which to make a firm determination. IPEX said that its potential options for creating such capacity were untested and uncosted[1]. Eurostar has already highlighted some of the weaknesses in these options.

(b) No capacity assessment has been undertaken for the point in time at which access will actually occur according to applicants. No approach for undertaking a capacity assessment for that point in time has been proposed (robust analysis may be impossible). No operator (other than Eurostar) meets the necessary criteria of having a train capable of accessing TMI currently and will not for many years (if at all). It would be:

(i) contrary to the ORR's s.4 duties to seek to reserve for many years space which would otherwise be utilised by Eurostar to grow services to the benefit of passengers and more broadly; and

(ii) beyond the scope of s.17 and contrary to the ORR's s.4 duties for the ORR to take away from Eurostar capacity at some future point in time (if it is ever reached) to support services that an applicant starts to operate.

(c) Applicants consistently make unfounded suggestions that additional capacity is available beyond even the untested IPEX options. These propositions are unevidenced and made without reference to any benchmark or comparable operating practice (e.g. in relation to design of depot, type of rolling stock and network operated etc.).

(d) These s.17 processes cannot be used to make sweeping decisions about the future provision of international passenger rail services. Such decisions would be outside the legal scope of s.17 and its processes. The scope of the ORR's s.17 processes and powers is only to consider whether it should direct Eurostar to enter an access contract in relation to TMI for the purpose of obtaining light maintenance services for or in connection with the operation of trains.

(e) The applicants consistently exceed the scope of s.17 in their applications. Examples include (but are not limited to):

(i) proposals that the role of Eurostar as depot facility owner should be removed; and

(ii) applications for a direction in relation to heavy maintenance, which the ORR has itself properly identified as being beyond the scope of s.17.

(f) Alternative processes exist that could consider some elements that are beyond the scope of s.17 (such as reg.32), but the required applications have not been made and the relevant procedures have not been followed. The ORR has been consistent in stating that it is managing s.17 processes and Eurostar has the legitimate expectation that it is only involved in such processes and would have rights to respond and engage on a fair and informed basis if any non-s.17 process was undertaken.

(g) The applicants are unrealistic in their own maintenance requirement assumptions. These appear, at best, to be solely based on manufacturers' estimates in the context of procurement proposals. Consistently, such estimates are commonly not met upon train introduction. The risks are compounded by the fact that some of the OEMs referred to have no experience of operating the

[1] IPEX report, para 16.1: *"Costs associated with potential enhancement options were not considered within the scope of this report. The feasibility, cost, and necessity of any enhancements will need to be considered in the context of Temple Mills future fleet allocation and associated requirements. Any changes caused by potential improvement options would also need to be fully assessed, including but not limited to driver resource needed to accommodate additional movements, efficiency or reliability impacts, and safety implications."*

types of train currently approved for cross-Channel operation and the associated complex network. No train that has ever actually run on this network (e.g. Alstom, Siemens) irrespective of who has maintained it (e.g. Eurostar, SNCF, SNCB) or at which depot (e.g. TMI, Forest, Le Landy) has ever come close to operating, let alone sustaining, the kinds of maintenance programmes that are being suggested by the applicants.

(h) The applicants do not appear to have properly considered the constraints associated with trying to maintain two 200m trains simultaneously or sequentially on a single 400m TMI road in a shed that is single access (rather than drive-through). None of the applicants have allowed appropriate contingency for those constraints.

(i) The necessary technical assessments have not been undertaken. In some cases, that is because the type of trains for which access is sought have not even been provisionally identified. Accordingly, there is no objective and evidenced view of:

(i) the capability of TMI to maintain such classes of rolling stock; or

(ii) the limitations on the theoretical maintenance efficiency identified (which is disputed) that any technical constraints would impose; or

(iii) the disruptive impact of works that would be required; or

(iv) the risks these factors would pose to existing operations and passenger services.

(j) There is no acknowledgement or contingency for the fact that Eurostar is neither obliged to nor would accept or facilitate investments that would be materially disruptive to its existing operations.

(k) No analysis has been undertaken of economic alternatives, yet applicants have suggested that Eurostar could simply move a proportion of its own operations to Le Landy or Forest. Leaving aside the impact that would have on UK jobs:

(i) from Eurostar's experience at Forest and Le Landy, existing continental capacity is not available to any significantly useful degree (hence new depots being constructed on the continent); and

(ii) if it were, Eurostar would be within its rights to refuse an application to TMI on the grounds that economic alternatives existed in such other depots. (Eurostar has not done so.)

2.2 Given the conduct of these s.17 processes, they cannot realistically be anticipated to provide a comprehensive, final resolution to the growth of the international rail market. Unavoidably, all but one party are going to be left substantially disappointed. An award of capacity to a new entrant will also leave unanswered the significant operational and financial viability challenges of that operator in the longer term.

2.3 This is important. There has been a tendency to see these decisions as a two-step process, with s.17 as an initial step concerning the existing depot and any wider plan to follow. This does not work:

(a) First, the ORR has itself said that TMI has space for at most Eurostar or one other competitor (though Eurostar disputes even this). It is risky to assume that those potential operators who are disappointed will be able subsequently to sustain their financing ambitions and plans.

(b) Second, although wider solutions beyond TMI are excluded from these s.17 processes, any direction from the ORR to Eurostar to enter a depot access contract with a s.17 applicant would risk undermining any opportunity for a wider solution around TMI. The constraints on any residual capacity or opportunity to develop TMI that such a s.17 decision would entail would necessarily impact Eurostar's options in respect of other property around TMI that could form part of a wider system capacity solution.

2.4 Considering:

(a) the scale of benefits that Eurostar already delivers and the additional benefits it expects to deliver through its Phase One and Phase Two growth plans (in respect of which the ORR can have significant confidence given their stage of development and lack of conditionality); and

(b) on the other side of the scales, the very material risks that a new entrant to TMI would pose to the efficient operation of services by Eurostar (and therefore to the delivery of the associated benefits) in addition to the overarching risks of operational delivery to plan or at all by a new entrant,

the ORR can make a robust, lawful and logical determination at this stage that the only outcome of these s.17 processes that furthers its s.4 duties is to decline to direct Eurostar to enter a depot access contract with any applicant. That would be a decision that demonstrably backs deliverable and sustainable growth in international services in the short, medium and long term and which allows all stakeholders to focus their energy on pursuing wider solutions for providing necessary support and infrastructure that are achievable and which can facilitate the fruition of the considerable collective ambition that has been displayed.

3 CONTENTS

3.1 These submissions contain the following sections:

- Section 4: Scope of the s.17 processes
- Section 5: Technical capacity analysis
- Section 6: Economic, social and environmental benefits
- Section 7: The appropriate outcome of these s.17 processes
- Section 8: Glossary

3.2 Eurostar is conscious that many hundreds of pages of information have been submitted in or in connection with these s.17 processes. In drafting these responsive submissions, Eurostar has not sought to engage with that volume of information on a line-by-line basis. Moreover, much of the what the applicants have said in fact sits outside the scope of the s.17 process and alludes to wider matters that are not strictly relevant. Responding on a line-by-line basis would be a huge undertaking, would involve a great deal of repetition (as many of the same points have been made by or apply to more than one person or all the applicants) and Eurostar doubts that it would assist the ORR to receive submissions of that nature from Eurostar.

3.3 Accordingly, Eurostar has largely addressed points raised in or in connection with these s.17 processes at a higher level, primarily addressing them generally or in principle. In doing so, the ORR should not infer that Eurostar accepts any points that it has not specifically addressed. Eurostar only accepts those points made by others in or in connection with these s.17 processes that it has explicitly stated that it accepts.

3.4 Further, Eurostar maintains its position in relation to all submissions it has previously made in or in connection with these s.17 processes unless it has explicitly withdrawn or amended its position. Eurostar considers that all its past submissions remain pertinent.

3.5 Eurostar is also conscious that its submissions are necessarily based on reviewing redacted applicant material. Appropriate protections should of course be in place for commercially sensitive information, but large-scale redaction unavoidably inhibits Eurostar’s and other third parties’ abilities to scrutinise proposals. It is unclear to Eurostar the extent to which there has been substantiating analysis to support assertions that have been redacted. The ORR must be alive to the material that has been available for stakeholders to comment upon and that which has not.

3.6 If the ORR wishes to discuss anything, including to aid understanding, or if the ORR requires further documents and information from Eurostar to conduct an informed assessment, Eurostar will engage swiftly and constructively with the ORR but respectfully requests that such requests are specific and justified.

4 SCOPE OF THE S.17 PROCESSES

4.1 In this section Eurostar describes what these s.17 processes permit and what, contrary to the apparent beliefs of the applicants and some other parties, they do not. Eurostar explains why the proper, lawful scope of s.17 does not provide an answer to the requirements and desires of the third-party applicants.

The ORR's s.17 powers

4.2 As it will be aware, the ORR's powers as an economic regulator are finite and specific. Any exercise of powers beyond its scope and competence would be unlawful. The ORR must exercise any powers that it has lawfully, rationally, fairly and in line with legitimate expectations.

4.3 Eurostar has reviewed the submissions from Evolyn, VTE, Gemini and Trenitalia France. While Eurostar welcomes the ambitions expressed in the pages of those submissions, it is also clear that the applicants view this as a much broader process than s.17 allows. The scope of the ORR's s.17 processes and powers is limited to considering whether to direct Eurostar to enter an access contract in relation to TMI for the purpose of obtaining light maintenance services for or in connection with the operation of trains. That question was evidently not the focus of much of the applicants' latest submissions.

4.4 The s.17 processes that ORR is conducting cannot logically or lawfully be used to make sweeping decisions about the future provision of international passenger rail services. There are better ways to facilitate the development of the international passenger rail market than focussing on limited light maintenance capacity at a single depot. The legal question before the ORR that it is required to determine under s.17 is not whether a new operator should be permitted to commence operating passenger services to and from the UK. Significant elements of the applicants' latest submissions go far beyond the matters actually under consideration in these s.17 processes and have not been tested, will not be tested and are not within the scope of s.17 so cannot lawfully be tested within it.

4.5 S.17 grants the ORR no powers to require Eurostar to develop TMI in any particular way, as theorised by IPEX or at all or to prevent Eurostar from using capacity it is already using. The enhancement options discussed in IPEX's report conflict with Eurostar's more substantial plans for the enhancement of TMI (discussed in Eurostar's submissions dated 18 July 2025). Eurostar also does not accept that they would deliver the capacity gains that IPEX had considered, with significant caveats, potentially achievable (see Eurostar's submissions dated 28 April 2025). Eurostar is not required to undertake or facilitate developments that would be disruptive or detrimental to the existing operations of TMI or its own legitimate business investments. Furthermore, the ongoing s.17 processes must only consider capacity that exists and is not being used <u>at the relevant times</u>. As set out elsewhere in these submissions and in Eurostar's submissions dated 28 April 2025, the quantity of any such capacity is unclear, as is the relevant point of time at which capacity should be assessed, meaning related decision making creates material risks.

4.6 Eurostar wants to invest in TMI and is in an advanced stage of planning and preparing for investments (see Eurostar's submissions dated 18 July 2025). That investment will add material maintenance capacity to the system for international passenger travel by rail. It will create significant numbers of skilled jobs and support the expansion of passenger services. However, Eurostar cannot create an investment case to create capacity if there is a material risk that it will subsequently see capacity that it needs and is using or plans to use taken by other applicants. No business could do this. Eurostar's maintenance requirements, supported by significant investment in the new facilities for its future fleet, are legitimate and fundamental to its business.

4.7 Eurostar recognises, of course, that the ORR has not previously given any indication that it might seek or consider itself competent to act outside of the proper scope of its powers (under s.17 or otherwise), but Eurostar necessarily reserves all its rights.

Eurostar's status in the s.17 processes

4.8 Evolyn's submission stated:

"*When analysing the process of awarding the excess capacity of Temple Mills, and especially after reviewing the letters sent by the ORR on 5th and 12th June 2025, it is clear that the incumbent operator has not requested capacity at any time for the maintenance of the new fleet that, according to the media, it is going to acquire soon. In this regard, we would like to ensure that we are not participating in an incorrect process or that there are no parallel processes. We believe that the selection procedure should be the same for everyone. Any process that could differentiate the current operator from the rest of the potential operators could be considered discriminatory*."

4.9 Eurostar only intends to address this point briefly as it is an obviously flawed point. Eurostar's rights in relation to TMI, including to utilise spare capacity, cannot be excluded. The ORR has recognised as much throughout these processes.

4.10 First, it is incorrect in law that "*Any process that could differentiate the current operator from the rest of the potential operators could be considered discriminatory*". To the contrary, the ORR will be aware that its obligation to treat parties equally does not require the ORR to treat them the same where there is a difference between the parties that justifies different treatment. Eurostar made this point in its letter to the ORR dated 28 August 2025, the contents of which Eurostar adopts in full in this submission.

4.11 Second, it is strange to suggest that Eurostar should have made a s.17 application to the ORR seeking a direction that it should enter an access contract with itself. That would have been a waste of the ORR's time and Eurostar's. Such an application would be otiose as Eurostar is not in a dispute with itself about its access to TMI that would engage s.17 and require the ORR's intervention (indeed, a legal person cannot be in dispute with itself).

4.12 In a similar vein, Eurostar also notes that Evolyn has appeared in various submissions to suggest that Eurostar should be forcefully deprived of assets. Evolyn's alleged underlying concerns are baseless and of no relevance whatsoever to s.17 and the powers of the ORR under it. They (and any similar or equivalent representations) must be disregarded.

4.13 Eurostar has previously expressed concerns about Evolyn's understanding of the s.17 process in which it is involved and repeats those concerns here.

Heavy maintenance services

4.14 The submissions of various applicants continue to seek directions within the s.17 processes from the ORR in respect of access for heavy (or other than light) maintenance activities. IPEX also looked at capacity at TMI for heavy (or other than light) maintenance activities. Eurostar responds briefly to those submissions in the generality.

4.15 Directions cannot lawfully be given under s.17 in respect of accessing TMI for the purpose of obtaining heavy (or other than light) maintenance services. As the ORR will be aware, light maintenance services "*means services of any of the following descriptions:*

> *(a) the refuelling, or the cleaning of the exterior, of locomotives or other rolling stock;*
>
> *(b) the carrying out to locomotives or other rolling stock of maintenance work of a kind which is normally carried out at regular intervals of twelve months or less to prepare the locomotives or other rolling stock for service.*"

4.16 Any access relating to the purpose of obtaining maintenance services that do not fall within that definition must be excluded from the ORR's considerations. The ORR has, of course, previously acknowledged that in paragraph 27 of its letter to Eurostar dated 27 February 2025, which stated:

"*ORR agrees that any directions it may issue in respect of an application under section 17 in relation to access to TMI must be limited to light maintenance services*."

4.17 Eurostar notes that VTE has stated in its latest submissions and previously that "*it would be prepared to make a complementary appeal under Regulation 32 of the Access Management Regulations to gain access to the depot for overhaul work*." VTE has not made such an application and the process for an appeal under reg.32 is specific and different to the process for an application under s.17. VTE's mooted (but not made) appeal does not and could not bring heavy (or other than light) maintenance services within the scope of these s.17 processes. For the avoidance of doubt, Eurostar considers that any such application would be unnecessary, premature, disproportionate and invalid; Eurostar has not denied entitlements conferred on VTE (or any applicant) under the Access Management Regulations. Within this process, the ORR must disregard any such irrelevant points.

Orient Way Sidings

4.18 LSPH's *Response to the Office of Rail and Road's Consultation on "Temple Mills Depot – Independent Capacity Assessment – 28 March 2025*"[2] suggests that the ORR should consider Orient Way Sidings as part of these s.17 processes.

4.19 For the following reasons, that is incorrect and it would be unlawful for the ORR to do so:

(a) Although Orient Way Sidings is adjacent to TMI, it is not part of TMI. Orient Way Sidings is not used by Eurostar, it is sub-let to Greater Anglia, which is the relevant Depot Facility Owner (not Eurostar). Greater Anglia has commented on its use of Orient Way sidings[3], which it describes as being "*round the clock*".

(b) A separate s.17 application would be required in respect of Orient Way Sidings and no party has made a s.17 application for access to Orient Way Sidings. The requirements of Schedule 4 to the Act have not been satisfied in relation to Orient Way Sidings.

(c) Insofar as Eurostar is aware, no assessment of available capacity has been conducted in respect of Orient Way Sidings.

4.20 As discussed below, Eurostar considers that Orient Way Sidings could provide or contribute to a wider solution to limitations of depot capacity. However, related considerations would have to be conducted properly and lawfully and that could not be done within these s.17 processes for the reasons set out above. The factors raised by LSPH with respect to Orient Way Sidings are irrelevant for the s.17 process.

Other depots

4.21 Eurostar does not control any depots in continental Europe [ ]. As stated in the introduction, depots on the European continent are equally in demand to support increasing services on the continental high-speed network. It cannot be assumed that Eurostar will in the future always have access to the same level of maintenance capacity in continental Europe that it currently has, let alone that it could increase access.

4.22 It has been suggested that the ORR should assume Eurostar would be able to obtain additional services at depots in Le Landy and Forest. The ORR must reject that suggestion.

[2] Eurostar notes that LSPH's response was added to the pack of responses in late July 2025 (after the ORR's 18 July 2025 deadline for the previous set of submissions) without notice from the ORR to Eurostar that it had been added or that it had been received at all and should be expected. At the time of this submission, the ORR's website still suggests that its pack of *Responses to ORR's 31 March 2025 consultation on available capacity at Temple Mills depot* remains as it was published on 5 June 2025, which is incorrect. This submission has therefore been the first (and only) opportunity for Eurostar to share its comments on LSPH's submission, including its consultants' report. We comment in more detail below on the technical arguments relating to TMI capacity contained in their submissions.

[3] Greater Anglia improves reliability at East London depot | Greater Anglia

4.23 The ORR has not considered capacity at Le Landy or Forest and has not gathered any information about capacity at either depot. Contrary to Eurostar's requests and suggestions, the ORR has not conducted any assessment of viable alternatives to TMI in the UK (such as it might be required to conduct in certain circumstances under the Access Management Regulations), let alone in continental Europe. If the ORR has not conducted an appropriately comprehensive and thorough, fair and transparent investigation into potential viable alternatives, it must exclude any considerations about availability of capacity at other depots from these s.17 processes.

4.24 If the ORR chooses to take into account the depot capacity in continental Europe to which Eurostar has or might have access, it must treat the applicants equally and consider the depot capacity in continental Europe to which they have or might have access. Eurostar notes that Trenitalia France has access to depots in continental Europe already, including to Le Landy. Fundamentally, if such economic alternatives exist, then they exist for all parties, on which basis Eurostar would be within its rights to refuse an application to access TMI; it has not sought to do so.

4.25 Without prejudice to the above, Eurostar's position remains that the ORR should investigate other economic alternatives for capacity to support growth. A process to identify and consider potential economically acceptable alternatives is essential to properly informed decision making in line with ORR's obligations under s.4. However, the ORR has not done that at this stage within the s.17 processes and cannot rely on untested assumptions or a blinkered perspective for the purpose of these s.17 processes.

<u>The nature of the ORR's intended decision</u>

4.26 It is unclear what decision the ORR intends to reach at the end of these s.17 processes. What is clear, however, is that any direction that the ORR makes for Eurostar to enter a depot access contract with an applicant cannot, given the conduct of these s.17 processes, realistically be anticipated to provide a comprehensive, final resolution.

4.27 Quite aside from it being unavoidable that any direction for Eurostar to enter an access contract with any of the applicants would be unsound and potentially significantly harmful for the reasons discussed elsewhere in these submissions, the ORR has simply not even started to answer the following indisputably appropriate questions:

(a) Does the applicant have rolling stock capable of accessing TMI?

(b) Can that rolling stock be maintained at TMI?

(c) Is the applicant willing to pay the costs of maintaining rolling stock at TMI?

(d) What capacity will actually exist at TMI at the relevant time that the applicants actually intend (at the earliest) to take it (the ORR's current process seems to assume that the position at TMI can be frozen in place and any capacity potentially reserved for a number of years)?

4.28 The s.17 processes have not considered whether any of these considerations could be barriers to an applicant actually utilising the light maintenance services to which any such contract grants it access.

4.29 Eurostar is, of course, aware that the ORR has previously used conditions precedent to mitigate downside risks in other similarly inconclusive situations. However, these s.17 processes are atypical. They are not general applications for access to a depot in connection with the operation of standard passenger services on Network Rail's network. They are applications relating to a specific cross-border passenger service that will operate on unique (within the United Kingdom) and overseas railway infrastructure. There are no precedents that can be drawn upon and no conditions precedent (or alternative mitigations or solutions) have been considered within these s.17 processes.

5 TECHNICAL CAPACITY ANALYSIS

5.1 In this section, Eurostar discusses the technical capacity analysis that has been presented in these s.17 processes. Eurostar draws out the material risk that the deficient analysis and unsubstantiated claims pose to sound and lawful decision making, as well as future operations and passenger services.

<u>IPEX's capacity analysis</u>

5.2 There are material and widespread deficiencies in the clarity and certainty of information being considered within these s.17 processes. It is essential for there to be precision about what IPEX said and did not say. IPEX concluded that TMI is already heavily utilised. However, IPEX neither concluded, for example, that 1.6 roads of capacity currently exists nor that it could be confident that 1.6 roads of spare capacity could be realised through its proposed enhancements to TMI. IPEX only concluded that it had identified potential options that might make available (at most) 1.6 roads of capacity. Any such capacity likely would in practice be discrete periods of white space that would unlikely be available for efficient use given the non-standardised equipment on different roads.

5.3 Eurostar trusts that the ORR will approach all submissions forensically as a matter of technical detail and evidence without predisposition towards any outcome. That is inherent to a fair and rational process. Assurances that are not properly substantiated should be given little or no weight. Applicants have asserted (without substantiation) that the available capacity will be sufficient for their maintenance needs. Those assertions should be approached with particular caution, including because of the lack of clarity about the available capacity now and in the future and, as discussed elsewhere in the submissions, the lack of clarity about realistic maintenance requirements.

5.4 Eurostar has operated TMI since it opened in 2007. Many of Eurostar's staff have operated two depots specialising in the maintenance of high-speed trains for international passenger services and have experience of commissioning a new fleet at TMI for the delivery of those services. Eurostar does not dispute the credentials of IPEX as an expert consultancy, but Eurostar's long and deep experience gives it unrivalled expert insight in the actual operation of TMI and in introducing and maintaining trains for high-speed, international passenger services through the Channel Tunnel. Eurostar made detailed submissions in respect of the IPEX report, highlighting issues that called into question the availability of usable capacity, the feasibility of enhancement proposals and, even if enhancements were feasible, whether they could reasonably be expected to free up the level of usable capacity considered potentially achievable (subject to caveats) by IPEX. There has been no response to Eurostar's submissions from the ORR. It would be irrational for the ORR to disregard points made based on Eurostar's extensive knowledge of operating TMI. Any decisions made without proper engagement with Eurostar's insights would be unsound.

5.5 While IPEX's report will be a relevant consideration for the ORR, it was restricted to a specified scope and deliberately an initial analysis. It was heavily caveated and contingent, anticipating that further work would be undertaken to test points that IPEX made subject to explicit caveats and underlying assumptions. That further work has not been done and, insofar as Eurostar is aware, will not be done. There has apparently been a complete erosion and sidelining of the fundamental qualifications that IPEX attached to its initial findings.

5.6 IPEX's analysis examined immediate capacity at the date of issue (28 March 2025) and not future use many years in the future (even on the most optimistic estimates of applicants). It looked only at the servicing of 400m trains that none of the applicants are proposing to use (Eurostar will continue to use its existing fleet of 400m trains for some time as discussed in Eurostar's submissions dated 18 July 2025, the use of which will have to be considered alongside the maintenance of any fleet of 200m trains). The challenges associated with maintaining two 200m metre trainsets on one 400m TMI road are addressed below.

5.7 The IPEX report does not state what capacity is available without development works to TMI. As above, any potential capacity achievable only through the development works considered by IPEX must be disregarded.

The ORR (Eurostar expressed its views on these conclusions in its submissions dated 28 April 2025, which remain pertinent) felt able to conclude only that:

"*There is <u>some</u> available capacity at Temple Mills international (TMI) depot for more trains to be stabled, serviced and maintained.*

<u>Some</u> of this capacity can be accessed without any changes to current operational practices at the depot." (emphasis added)

5.8 That is a concerningly imprecise basis on which to make decisions that have significant potential implications for the safe and efficient operation of international passenger services by rail through the Channel Tunnel and considerable financial investments.

5.9 The ORR has published no reasons for its conclusions and it is notable that they did not change or develop between draft and final stage, leading to the inference that they remain solely based on IPEX's report, despite its deliberate and explicit limitations.

5.10 Eurostar is the only entity intending to use any additional capacity at TMI immediately. The only trains maintained at TMI that could realistically be in service for years are those in Eurostar's existing e320 fleet. Eurostar has already started intensifying the use of that existing fleet and that process of intensification will continue to ramp up. Any consideration of capacity must take into account how Eurostar will use TMI in the meantime before the applicants would, hypothetically, access TMI themselves (assuming that timing is discernible by the ORR and, which is in doubt, the applicants' underlying assumptions regarding their maintenance requirements and timelines are robust). Eurostar's plans for the use of TMI and the associated benefits that will be delivered by Eurostar through that use are described in Eurostar's submissions dated 18 July 2025.

5.11 Similarly, any consideration of capacity must take into account the possibility that capacity currently available at depots in continental Europe will not in the future be available to Eurostar to the same extent.

5.12 Put briefly, the level of any capacity available in March 2025 is not the level of any capacity available now and will be even further from the level of any capacity available at the time applicants hope to access TMI or enter fleets into service. It would be prudent to be sceptical about assurances from the applicants that rolling stock can be manufactured and supplied and homologated as required (across multiple jurisdictions) in the relatively short, anticipated timescales.

5.13 The options for the ORR are:

(a) To allow Eurostar to continue to implement its Phase One and Phase Two growth plans, including development of TMI (discussed in Eurostar's submissions dated 18 July 2025). No other applicant will deliver anything in the next five years and there is a legitimate use for the depot capacity in that period. Allowing Eurostar the capacity it needs to deliver its ambitions provides certainty of benefits delivered at scale.

(b) To grant and, in effect, reserve capacity to another applicant but otherwise stall immediate development and growth plans over the next five years, with a lack of certainty as to whether that new entrant will come through to use it. That would result in the foregoing of additional benefits that Eurostar would otherwise deliver in the meantime (see Eurostar's submissions dated 18 July 2025) and could ultimately result in a lost decade of growth in the market for international passenger services by rail.

5.14 Unless the ORR intends to seek to preserve available capacity in aspic through the intervening period until a new applicant actually requires capacity, which would be inefficient and materially detrimental to Eurostar's ability to deliver the benefits that it plans to deliver in that period (which would in turn be inefficient and fundamentally inconsistent with the ORR's s.4 duties), the ORR should not base decisions regarding the relevant point in time on what will be by then the significantly out-of-date analysis produced by IPEX, along with its material, explicit limitations.

5.15 Eurostar is not alone in considering that the IPEX report cannot reasonably be used as the sole piece of evidence on which the ORR bases its assessment of capacity. The applicants make numerous points in support of their submissions that rely on inaccurate interpretations and characterisations of IPEX's stated position and on derivations that are not robust. They emphasise the bits of the IPEX report that support their positions while saying, without supporting evidence, that the parts that undermine their positions underestimate the availability of capacity (Eurostar addresses these points more specifically below)[4].

Maintaining two 200m trainsets on a 400m road

5.16 Numerous suggestions have been made that two 200m trainsets can straightforwardly be maintained on the 400m roads at TMI. While Eurostar understands that might seem superficially logical, it is not correct.

5.17 It is at best an oversimplification to assume that two 200m trains can be maintained on a 400m TMI road. That is simply wrong without there having been significant adaptations to the road and may actually be unsustainable in any reasonable circumstances.

5.18 Insofar as parties have assumed that maintenance requirements would fit within a specific amount of available capacity on the assumption that two 200m trains can be maintained on a 400m TMI road, their actual maintenance requirements could effectively be doubled given that assumption is very much not robust. Even on the most optimistic assumptions of maintenance requirements, that would make all applicants' needs unachievable by a significant degree within IPEX's highest characterisation of potential capacity availability.

5.19 It is an error that would not have been made by any party with operational knowledge of TMI. IPEX did not consider the possibility. BWB (the consultants commissioned by LSPH to assess capacity at TMI, and who have never visited TMI[5]) assumed that it would be possible but did not validate that assumption, which alone, as addressed below, calls into question the sufficiency of the information provided to it.

5.20 The roads at TMI are set up to accommodate 400m trainsets (the length of trainsets in Eurostar's existing fleets). This is defined by the following features:

(a) The different roads at TMI have different infrastructure and equipment. This means that the modification of any road to make it possible and safe to work on two 200m trains on one road would necessitate modifications to many or all roads. Given that, as explained below, some of the modifications required to make it possible and safe to work on two 200m trains on one road would make it impossible to work on one 400m train on that road, it is a real possibility that, following modifications to some roads, the current depot workload would become unachievable.

(b) The Depot Protection System is designed for one trainset occupying the road. This system prevents inadvertent train movements so is essential for safe working. It cannot secure two trains at one time so would not allow for safe working in circumstances where two trains occupied the road.

(c) Train roof access requires the trainset occupying the road to be isolated to prevent electrocution risk. The safety equipment and protocols for roof access are compatible with one train occupying a road but not two. It is impossible to isolate half a road. Extensive modifications (such as additional gantry access and roof gantry removal) would be required to allow safe working on two trains on the same road. Without appropriate modifications, a person could pass the safely isolated front set to the non-isolated second set and face electrocution risk. The modifications required to allow safe working on

[4] For example, VTE's reliance on limited data from RealTime trains is completely at odds with the fact that IPEX was provided with maintenance logs from an entire period and made its judgements based on that information.
[5] Eurostar comments in more detail on a number of aspects of BWB's report and LSPH's submission to the ORR.

two trains on the same road would likely make that road incompatible for work on Eurostar's existing fleets.

(d) Further modifications such as signalling loops at a 200m point, step access, additional access platforms, stop markers and crane modifications would be required. These are not minor modifications and would likely make the modified roads incompatible for work on Eurostar's existing fleets.

(e) The maintenance of two 200m trains occupying a single road would give rise to conflicts of maintenance tasks, the resolution of which would pose significant difficulties for the scheduling of maintenance activities. This is a clear risk to the efficiency of maintenance activity at TMI.

(f) A full feasibility study would be required to ensure that there would be enough room for combinations of two 200m trains to occupy a single 400m road. The precise length of a 200m set will vary but some are longer than 200m. For example, Trenitalia France's potential Hitachi units are 202m long and, if not maintained in coupled formation[6], one end of one unit may be outside of the shed. It would in any case be likely that the whole of both trainsets would not be entirely within the working area of the road. Parts of the train that extended beyond that area would not be able to be maintained without inefficient, additional intra-depot movements.

5.21 [ ]

Depot efficiency

5.22 Applicants and others have stated that there is, in fact, more capacity than IPEX's report suggested. Those statements are unsubstantiated and, in many cases, demonstrably incorrect. No evidence has been provided for the assertions by any of the applicants.

5.23 Assertions by applicants of inefficient use of TMI by Eurostar are bare, made without benchmarks that could be used objectively to measure and/or compare depot efficiency. Depot efficiency cannot, of course, be directly compared. A meaningful comparison would need to account for variations in depot infrastructures, train types, networks, network operating performance levels etc.

5.24 There are several denominators common amongst those applicants and other entities that have asserted that Eurostar is using TMI inefficiently. They result in an unavoidable misapprehension of the operational complexities involved in running TMI (and, indeed, international and high-speed passenger rail services). Unlike Eurostar, none of those who have made such assertions:

(a) have direct experience of running international services on the network over which Eurostar's cross-Channel fleet currently operates, which comprises five different infrastructures (Eurostar's e320 trains have seven different signalling systems and must comply with additional redundancy rules relating to release into service to reflect, in particular, the additional safety requirements of using the Channel Tunnel); or

(b) have spent more than a short time (at most, some[7] have not visited at all) inside TMI.

5.25 Some applicants also have no experience of running high-speed passenger rail services and/or operating a high-speed depot.

5.26 Eurostar will continue to drive further efficiencies where they are safe and practicable. It is plainly not in Eurostar's commercial interests to operate TMI inefficiently. There are obvious and material disincentives for Eurostar that would stop and have stopped it from doing so.

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[6] If uncoupled a minimum safety separation of 3m must be maintained.
[7] Including LSPH and BWB.

5.27 Evidence shows a continuous trend of improving performance that is driven by Eurostar's constant effort to improve through efficiency projects, some of which are led by external experts and some internally with expert inputs as required, and bi-monthly reliability and availability steercos (chaired by the Chief Rolling Stock Officer) that seek to ensure Eurostar is always looking for additional efficiency deliverables. For example:

(a) A 2020 project headed by Eurostar's engineering team (taking in recommendations from a 2018/19 Lean Programme led by external consultants):

(i) reduced Eurostar's e320 maintenance regime [ ];

(ii) the greater simplicity of the reduced number of repeatable exams facilitated Eurostar's development of more robust standard operating procedures; and

(iii) increased the periodicity for the base running gear exam [ ].

(b) Eurostar's recent Ambition 2025 project (an internal improvement programme with external support) reviewed data obtained from Eurostar's previous two maintenance regimes to provide challenges to Eurostar's S exam regime. Through that process, Eurostar was able to design a third optimisation of the e320 maintenance regime (implemented in August 2024) that:

(i) reduced maintenance exam requirements for balanced exams [ ];

(ii) compressed the [ ] repeatable exams from the S exam regime [ ]; and

(iii) increased the periodicity on the T exam regime relative to the S exam regime [ ].

(c) Examples of further continuous improvements include:

(i) A reduction of the R2 exam [ ], which allowed more efficient scheduling to save road space, [ ].

(ii) The depot recently underwent a reorganisation with the purpose of driving organisational efficiency.

5.28 As this demonstrates, there is always opportunity for incremental improvements and Eurostar has every incentive to maximise the availability in commercial service of assets [ ].

5.29 It is important to note that the depot and fleet is, and has been, run by experienced managers who have previous and extensive experience of high-speed train maintenance and operations. The business can draw upon not just its own 30 years' experience but also the experience and resources of SNCF – arguably the most experienced maintainer of high speed-rolling stock worldwide – and can both benchmark and learn from the experience of both SNCF and SNCB maintaining the same fleet in alternative depots. Any suggestions that there is a pool of untapped efficiency/capacity that these parties have, collectively, failed to uncover, need to be carefully weighed against these real-world incentives and competencies.

5.30 Suggestions that a new entrant would drive order-of-magnitude efficiencies are unsubstantiated and speculative. They lack any validation whatsoever. It would be irrational to give them any weight. They are not derived from any detailed analysis or assessment. It is more likely that a new entrant would create inefficiencies, as discussed elsewhere in these submissions.

<u>Technical capacity analysis specific to applicants' stated requirements</u>

5.31 As discussed above, there has been a general tendency by all applicants to overstate the capacity IPEX considered (subject to caveats) to be potentially available. The applicants' confidence that there is material spare capacity is inconsistent with Eurostar's evidence and experience-based assessment that significant investment will be required to create capacity to support material increases in services delivered by fleets maintained at TMI.

5.32 Although the ways that the applicants have presented their maintenance needs (at least in the published versions of documents) pose challenges for comparison, even assuming the potentially available capacity identified by IPEX exists or could be realised at the relevant points in time, it is highly likely that any capacity at TMI would be significantly below the level required to support the stated plans of any of those access seekers. Further, pre-estimated maintenance plans for new trains generally must be adjusted materially once fleets arrive and start operating.

5.33 There has also been no assessment of technical compatibility or what modifications would be required (which might be extensive) to ensure technical compatibility. There has been (and cannot at this stage be) no assessment of how any adjustments that would be required to ensure technical compatibility with a new fleet would impact on depot capacity and the efficiency of operations.

5.34 In the table below, Eurostar has commented on assertions that applicants have made about the sufficiency of capacity in relation to their stated requirements. In doing so, Eurostar has not commented on every erroneous or weak assertion or assumption made by the applicants. It has focussed on key technical deficiencies that are relevant to the ORR's assessment.

5.35 Many points made by Eurostar specifically in respect of one applicant apply also in respect of equivalent issues present in the information published by other applicants.

Assertion/assumption	Response
Evolyn	
Evolyn asserts that it has developed a depot usage plan that it states will be sufficient to accommodate the fleet of twelve Alstom double-decker 200m trains it proposes to procure that it states will only utilise surplus capacity.	Evolyn's published submissions do not provide the details that substantiate its assertion or allow it to be tested. However, it does not appear robust. Evolyn's usage of surplus capacity is not defined so it cannot be considered whether Evolyn's position is that the depot usage plan could be accommodated within capacity that is available immediately without enhancements (please also see the row below). However, since the IPEX report does not state how much capacity IPEX considered might be available without enhancements, it is not possible for Eurostar to identify how Evolyn could have reached that conclusion. If Evolyn's definition of surplus capacity is based on capacity that is only potentially available subject to the successful implementation of depot enhancements, any such contingent capacity must be excluded from consideration as set out above and, therefore, Evolyn's assertion is inaccurate for the purposes of s.17. In any event, the maintenance requirements set out in Evolyn's original s.17 access application included two full workshop tracks and two eight-hour night slots in the maintenance shed. Those requirements materially exceed the best-case scenario of potentially available capacity (only potentially available subject to the successful implementation of depot enhancements) identified in the IPEX report. Further, Evolyn is considering the potentially available capacity as set out in the IPEX report of March 2025, without accounting for how capacity use will change over the years before Evolyn would access the depot. Put simply, the level of capacity available now (if any) will not be the same as the level of capacity when Evolyn hopes for its

Assertion/assumption	Response
	fleet to access TMI and is, therefore, an inappropriate benchmark for sufficiency.
Evolyn asserts that only minimal and non-invasive depot modifications would be needed to adapt TMI to accommodate the fleet of twelve Alstom double-decker 200m trains it proposes to procure. Evolyn asserts that those modifications would cause no operational or structural harm to Eurostar.	Evolyn's published submissions do not provide the details that substantiate its assertion or to allow it to be tested. However, it does not appear robust. The modifications and enhancements discussed in IPEX's report could not accurately be described as minimal or non-invasive and would be significant operational risks to Eurostar as discussed in Eurostar's submissions dated 28 April 2025. They are also likely to be disproportionately costly given the limited capacity improvements they might reasonably be expected to generate. There has been no assessment of technical compatibility. Each trainset will have unique technical requirements and there would need to be detailed assessment of technical compatibility with existing equipment and with any adaptations, modifications or enhancements that are in the future made at TMI. [ ] As discussed in Eurostar's submissions dated 18 July 2025, Eurostar continues to assess potential modifications to roads in the existing main shed, alongside the construction of a new shed to provide additional maintenance capacity to accommodate its new fleet. However, Eurostar anticipates that there will be significant disruptions to the depot operations during the construction and depot modification phase. This was also Eurostar's experience when it modified TMI to introduce its e320 fleet.
Evolyn asserts that maintenance of its fleet will be the responsibility of Alstom.	There have been no discussions regarding the need to accommodate third-party maintenance staff at TMI. Such staff would require additional staff facilities, such as welfare facilities and car parking (and no evidence has been presented as to the scale of these additional requirements).

Assertion/assumption	Response
	Changes to staff arrangements would have industrial relations implications that have not been considered by Evolyn (or the ORR).
VTE	
VTE asserts that latent capacity has been identified at TMI that would be sufficient for its maintenance requirements.	This is unlikely to be robust. Any assumption that two 200m trains could be maintained on a single 400m track is addressed in detail above. In any event, VTE's proposed trainplan is very intensive and its maintenance plan does not appear appropriately to reflect the anticipated intensity of use (including any identified allowance for unplanned maintenance arising from operational incidents or perturbations over multiple infrastructures). On Eurostar's analysis, VTE anticipates its trains running approximately 25% more kilometrage per month than Eurostar's current e320 fleet but requiring only about 40% of the maintenance capacity. Even accounting for the benefits of a more modern fleet, that is simply not credible. It must be viewed as highly optimistic[8] at best in normal periods and presumptive of continuous best-case-scenario running without contingency for risks (some of which will inevitably materialise). VTE appears to be assuming that all major components will remain in use without corrective maintenance from one overhaul period to the next, which is simply not realistic across any fleet. Eurostar respectfully also suggests that the ORR should scrutinise VTE's assumed needs and test with VTE the extent to which they have been based on VTE's experience of operating Pendolinos at UK mainline speeds. High-speed running requires more maintenance and has tighter tolerances for key components. There appears to be a significant possibility that VTE has simply underestimated the higher maintenance requirements for trains running at 300km/h. Further, VTE is considering the potentially available capacity as set out in the IPEX report of March 2025, without accounting for the fact that it is not currently available or how capacity use will change over

[8] OEM assumptions at pre-purchase stage often prove to be significantly optimistic.

Assertion/assumption	Response
	the years before VTE would access the depot. Put simply, the level of capacity available now (if any) will not be the same as the level of capacity when VTE hopes for its fleet to access TMI and is, therefore, an inappropriate benchmark for sufficiency.
VTE assumes that its use of wheel lathe and overhaul[9] facilities would not impact on Eurostar.	This is unrealistic regardless of how well access is scheduled. If a VTE trainset is occupying the wheel lathe and a Eurostar trainset requires an immediate reprofile, the Eurostar trainset would be stood down for a material period while awaiting access. If a VTE trainset requires the sim lifts, that would impact Eurostar's R programme. Only Road 1 has a sim lift and 80% of the work in Eurostar's current R programme is conducted on Road 1. Delays to Eurostar's R programme could result in Eurostar trainsets being stood down until they can be completed. If a VTE trainset needs to occupy the bogie drop, that could result in delays to a Eurostar train gaining access to the bogie drop. Although there are two bogie drop roads, they are both serviced by the same bogie drop table. Again, that could result in Eurostar's trainsets being stood down for material periods.
VTE assumes that it can stable five trainsets a night at TMI outside of the maintenance shed.	Eurostar simply does not believe that these sets could be accommodated. The IPEX report was clear that the existing reception roads required alterations to accommodate stabling and servicing, and the existing stabling roads required alterations in order to accommodate servicing such as sanding. In its submission dated 28 April 2025, Eurostar explained the physical limitations to the feasibility of carrying out the modifications suggested in the IPEX report.
VTE states that access to stores, welfare and mess facilities will be required.	Eurostar does not dispute that access to stores, welfare and mess facilities would be required. However, there is insufficient space in the existing stores and facilities for a new entrant and no consideration has been given to whether and where sufficient additional stores and facilities could be constructed without detrimentally impacting operations.

[9] Maintenance that is not light maintenance work is out of scope of s.17.

Assertion/assumption	Response
VTE assumes that exterior manual cleaning (i.e. cleaning other than by the carriage wash) could be conducted on stabling and reception roads at TMI.	Exterior manual cleaning is not currently conducted at TMI. No safe way of working to conduct exterior manual cleaning has been identified. A study would be required to consider whether there is any safe way of working to conduct exterior manual cleaning at TMI.
Gemini	
Gemini relies on a characterisation of the modifications and enhancements discussed in IPEX's report as "*minor improvements to secure more flexible use of the various depot facilities*".	It might be accurate to characterise the modifications and enhancements discussed in IPEX's report as only delivering minor improvements in terms of incremental capacity gains. However, Eurostar understands that not to be Gemini's use. The modifications and enhancements discussed in IPEX's report could not accurately be described as minimal or non-invasive and would be significant operational risks to Eurostar as discussed elsewhere in these submissions and in Eurostar's previous submissions dated 28 April 2025 and 18 July 2025. They are also likely to be disproportionately costly given the limited capacity improvements they might reasonably be expected to generate.
Gemini asserts that two 200m metre trains could be serviced simultaneously on one 400m shed road.	This assertion appears to be entirely speculative and incorrect. The assertion (made by more than party) is discussed in detail above.
Gemini asserts that its (unidentified) fleet could be accommodated without significant difficulty within "readily available capacity" and that only minimal physical changes would be needed to adapt TMI to accommodate its (unidentified) rolling stock.	This assertion is entirely speculative as Gemini has not yet identified what rolling stock it intends to procure. Gemini cannot have a robust understanding of its maintenance requirements when it does not know what trains it will need to maintain. Each trainset that Gemini is considering (Gemini is still in discussions with four different OEMs) will have unique technical and other maintenance requirements. A detailed assessment of compatibility with the equipment at TMI and, therefore, of the need for modifications to achieve technical compatibility is required but cannot be conducted at this stage prior to Gemini's identification of rolling stock. The ORR will recognise that Eurostar plans to build an entirely new shed to maintain its new fleet, materially in recognition of the scale of changes that would be required to its existing shed to maintain its new fleet and it cannot reasonably be assumed that other new rolling stock

Assertion/assumption	Response
	(such as Gemini or other bidders might wish to procure) would require fewer adaptations. That contradicts any claims that new rolling stock that is materially different from the rolling stock already maintained at TMI can simply be introduced to and maintained at TMI. In any event, Gemini cannot conclude that its rolling stock maintenance requirements (which, as above, it cannot yet know in any detail) can be satisfied within “readily available capacity”, based on the IPEX report, as IPEX did not specify what readily available capacity there was, only (with caveats) what capacity was potentially available subject to the successful implementation of depot enhancements. Capacity that is only potentially available subject to the successful implementation of depot enhancements must be excluded from consideration as set out above. In any event, any reliance by Gemini on capacity that would be contingent on such enhancements is inconsistent with Gemini’s position that only minimal physical changes would be required. As discussed above, the modifications discussed in IPEX’s report are not minimal by any appropriate measure. Further, Gemini is considering the potentially available capacity as set out in the IPEX report of March 2025, without accounting for how capacity use will change over the years before Gemini would access the depot. Put simply, the level of capacity available now (if any) will not be the same as the level of capacity when Gemini hopes for its fleet to access TMI and is, therefore, an inappropriate benchmark for sufficiency.
Trenitalia France *The ORR will recognise that Trenitalia France’s submission has been very heavily redacted, which prevents scrutiny by Eurostar.*	
Maintenance capabilities of a 400m TMI road.	Trenitalia France has published few details of its maintenance requirements. However, as with the other applicants, for the reasons addressed above, a 400m TMI road is only capable of being used to maintain a single trainset at any one time.

LSPH's submissions and the BWB study

5.36 Eurostar intends only to respond directly to the BWB study briefly. Eurostar does not accept its findings and considers many to be demonstrably incorrect, as established elsewhere in these submissions. Additionally, LSPH's cover note contains a number of assertions stated to be based on BWB's analysis that do not, on Eurostar's analysis at least, appear to reflect the content of BWB's report.

5.37 The full scope of BWB's instructions for preparing the study has not been disclosed. Eurostar cannot comment properly on the information it was provided. However, Eurostar can confirm that the report was prepared without BWB or LSPH visiting TMI or being provided with information by Eurostar about its operation of TMI.

5.38 BWB's conclusions are caveated on the basis that it has not verified assumptions it has made and BWB has recognised that there are numerous significant considerations that it did not have the information appropriately to assess. That is a fundamentally unsound approach to analysis and modelling. Any decisions made based on BWB's study would, correspondingly, be unsound. LSPH, which has no experience of train maintenance and depot management, will not have been in a position to provide informed challenge and review to anything BWB produced.

5.39 The ORR must also note that BWB's analysis and its conclusion that there was sufficient spare capacity at TMI apparently looked only at Evolyn's and VTE's applications and only at the information provided with their s.17 applications (see paragraph 10.9). It includes no findings at all in relation to Gemini or Trenitalia France or in relation to the additional information that Evolyn and VTE have recently provided.

5.40 In the table below, Eurostar provides non-exhaustive comments on key (rather than all) technical deficiencies with BWB's analysis and LSPH's associated cover note that are relevant to the ORR's assessment.

Assertions/assumptions	Response
Twenty trainsets could be accommodated without affecting depot operations.	That would be an unviable mode of operation for ongoing and routine operations. The IPEX report found that twenty trainsets could be accepted in times of a crisis. However, it highlighted the impracticality of servicing and maintenance in that mode of operation, due to the necessity for inefficient, time consuming and complex train movements because there is only one road for exit and the complexities of manoeuvring in and out of the main shed and the bogie drop.
An additional road could become available once Eurostar completes its heavy maintenance programme.	This is a fundamental misunderstanding of Eurostar's heavy maintenance requirements. The maintenance regime of the existing trainsets is such that there is no prospect of Eurostar's heavy maintenance programme stopping entirely at any point in time. Eurostar's heavy maintenance is not finite, it is a cyclical overhaul programme. [ ]
Only minor depot modifications would be required to accommodate a new entrant's fleet.	Eurostar has discussed this assertion above in relation to the applicants' submissions. Eurostar reminds the ORR that BWB has not visited TMI so is materially lacking in credibility. Its assertion is speculative and contradicted by evidence. BWB's assertion is not reconcilable with Eurostar's experience of adapting TMI to accommodate its e320 fleet. [ ] BWB's report also does not discuss disruption to Eurostar's ongoing operations while depot modifications are implemented. Any depot modification will cause at least temporary reductions in capacity and/or disruption to depot operations. During the programme of modifications for the introduction of Eurostar's e320 fleet, up to three roads at a time were unavailable (two were being worked upon with a third road occupied by the contractors for flank protection).

Assertions/assumptions	Response
	As discussed elsewhere in this document and in Eurostar's submissions dated 28 April 2025 and 18 July 2025, if modifications are not appropriate, reductions in capacity and disruption could be persistent.
BWB assumed that the depot maintenance tracks could hold and be used to service two 200m metre trains could be serviced simultaneously.	Eurostar has discussed this point above in detail.
Arrival frequencies could be increased.	BWB's analysis has apparently failed properly to consider safety control measures relating to arrival frequencies. The rate at which sets are routed into and out of TMI by the Operation Control team is primarily determined by safety parameters. Staffing and LDA capacity are not primary determinants of arrival frequency. Additionally, increased frequency of arrivals will have knock-on impacts for intra-depot moves required for maintenance tasks around the depot because the incoming trainsets will occupy the track circuitry. This could be materially detrimental to the efficient operation of TMI.
The LDA could be bypassed at times of congestion.	BWB's analysis has apparently failed to recognise the obvious efficiency loss if operators are asked to bypass the LDA on arrival. Sets would have to spend longer overall at TMI in such an arrangement and there would be a need to conduct more time-intensive intra-depot moves.
The BWB report relies on an assumption that Eurostar's fleet receives preventative maintenance examinations on a fourteen-day cycle.	That assumption is incorrect. Eurostar's fleets maintenance regime is a distance-based maintenance regime. That regime results, on average, in preventative maintenance examinations occurring materially more frequently than the fourteen-day cycle assumed by BWB.
Twenty-two car parking spaces should be built over to increase capacity.	TMI already has insufficient car parking capacity (noting that Eurostar also additionally operates staff shuttles to and from the public transport interchanges at Leyton and Stratford). Additional staff would require more, not less car parking capacity. Eurostar has already been seeking to implement mitigations for congestion and no additional possibilities for further on-site car

Assertions/assumptions	Response
	parking have been identified. Offsite parking solutions are challenging due to TMI’s location.

6 ECONOMIC, SOCIAL AND ENVIRONMENTAL BENEFITS

6.1 In this section Eurostar sets out observations about the benefits that the applicants forecast or assert are potentially achievable and responds to specific points made by applicants and others directed at Eurostar about the benefits that Eurostar's services deliver or will in the future deliver. Eurostar's comments on the applicants' submissions reflect the principles outlined below.

6.2 Eurostar wants to see growth in the market. It expects to compete for that growth with other rail operators, just as it does with short-haul aviation and cross-Channel journeys today and has done throughout its 30+ years in operation. Eurostar welcomes the drive to innovate and improve that comes from fair competition. Eurostar approached the recent Periodic Review of HS1 for Control Period 4 with the possibility of new entrants firmly in mind.

6.3 Eurostar's view of these s.17 processes has never been about shutting out on-rail competitors. Eurostar is a great advocate for international passenger rail services. Eurostar is, however, concerned at the potential for process deficiencies and inaccurate and incomplete information to result in the ORR making directions regarding TMI that could materially disrupt performance and Eurostar's efficient provision of international passenger rail services, its delivery of benefits to rail users and more broadly and its ambitions to expand and enhance its service offering.

6.4 Eurostar has already made submissions about each of the applications. Those submissions remain pertinent and Eurostar maintains its views. The applicants' responses to Eurostar's submissions have been partial, high level and unconvincing. Eurostar's ability to engage with the applications in detail has, throughout these processes, been materially impeded by their significant prematurity and lack of detail. That continues to be the case. Some applicants have recently provided some additional information about their proposals, but very substantial detail and credibility gaps remain. Indeed, some applications are less clear, less developed and less robust than they appeared before the latest submissions.

6.5 The ORR logically must recognise the distinct established certainty of Eurostar by contrast to Evolyn's, VTE's, Gemini's and Trenitalia France's untested proposals. Every aspect of the third-party applications is necessarily a hypothetical or a projection from a hypothetical. By contrast, Eurostar has a long track record of performance and has provided to the ORR plentiful evidence of its robustness as a going concern.

6.6 The applicants lean heavily on the use of vague references and assertion as points of evidence that Eurostar cannot see as being meaningfully substantiated. It is incumbent on the ORR to direct forensic scrutiny at the applications to test their content and to ensure that all assumptions are validated before giving propositions any weight. The ORR must guard against the risk of making decisions based on the over-optimistic prospectuses of applicants eager to enter the market and willing to confront the full operational realities only further into their development of plans following the outcome of the s.17 processes.

6.7 By contrast, Eurostar has set out with clarity its detailed two-phase plan that can reasonably be treated with material confidence given its lack of conditionality and its developed delivery plan (as discussed in Eurostar's submissions dated 18 July 2025). Eurostar is already increasing the intensity of the use of its existing fleets. Eurostar can commit to its new fleet procurement and place any initial orders without any new financing requirements. Eurostar has advanced plans able to supply the additional maintenance capacity that it will require. Eurostar is already progressing the station enhancements that it will require.

6.8 Eurostar has no intention to blunt ambition. The scale of innovation and appetite to take on commercial risk is clearly exciting. The ORR's focus must, however, always be on the correct scope of s.17, which is to say that it must look at the extent to which benefits will be delivered by gaining a contractual right to access TMI for the purpose of obtaining light maintenance services.

<u>Uncertainty of future benefits anticipated by applicants</u>

6.9 All the applications relate to nascent service offerings. Any benefits alleged to arise in connection with those service offerings must be considered by the ORR, at most, as being statements of intent. The submissions made by the applicants about their service offerings are unavoidably speculative and assertions of robustness and operational readiness must be tested by the ORR.

6.10 Depot access is important, but it is just one of many things that must come together to get a successful competitor up and running safely and efficiently, and eventually, sustainably. Any new open access operator may not proceed or ultimately be sustainable. The ORR will be aware that in the past several operators have announced intentions to operate international passenger rail services, but that those operations have not materialised.

6.11 Eurostar is not suggesting that there should be no new operators because new operators are inherently risky. However, in a balancing exercise such as that which the ORR would be required to undertake under s.17 in respect of limited and finite capacity (if any) at TMI it is right to point out both:

(a) the considerable distance between obtaining a contractual right to access TMI to utilise limited spare light maintenance capacity and the long-term operation of an international passenger rail service that delivers appreciable benefits to rail users and beyond; and

(b) by contrast to the applicants, that Eurostar is already delivering benefits and has done for decades. Eurostar represents both a proven track record and robust credibility for future financial and operational viability and broad benefits that will be delivered at far greater scale than all the applicants might expect to deliver. Eurostar is able to start delivering short-term and long-term growth in services now.

6.12 Eurostar has ambitious plans. These and the benefits that they will deliver for passengers, for the wider economy and socially and for the environment are described in Eurostar’s submissions dated 18 July 2025. A decision of the ORR in respect of TMI based on promised future services by a third-party applicant would consciously be at the expense of the relative certainty of both the short- and long-term growth planned by Eurostar. The price of placing misguided faith in speculative plans in favour of plainly deliverable benefits would be felt across the system and by all railway users. Such a false start for growth in international services would not just mean that ground is lost in Eurostar’s planning but would mean that it would take longer for passengers to feel the benefits of services growth not just in convenience and timetable but also in cost efficiencies and therefore ticket prices.

6.13 The ORR’s decision should not be confused with a decision in principle as to whether there should be new entrants for international passenger rail. A decision under s.17 not to run such risks as described above and not to direct Eurostar to enter into an agreement with an applicant is logically and legally not a decision by the ORR in respect of the overall prospect of competition on the international rail corridor. As set out in the introduction, these are wider system discussions and there are other ways to create necessary infrastructure that are better able to meet current and future demand for international rail services (including scaling plans) from competitors.

<u>Destinations and intermediate stations</u>

6.14 The applicants largely intend to imitate Eurostar’s offering of services. Trenitalia France and Evolyn only propose London (St Pancras International) to Paris journeys. Gemini plans London (Stratford International) to Paris and Brussels (with stops at Lille). VTE proposes services from London (St Pancras International) to Paris, Brussels and Amsterdam. The credibility and timeframe for expanded operations should be rigorously challenged and entirely discounted for the purposes of these s.17 processes if they are too distant from the subject matter of the processes and insufficiently certain.

6.15 Within the UK, there have been strong and understandable calls for the re-instatement of international services at Ebbsfleet and Ashford stations and that the ORR should give weight to this (or even that a s17 decision in favour of another applicant would “unlock“ the Kent stations). Similar concerns – and passenger and political interests – apply to Calais but no applicant has mentioned these or any plans relating to Calais. Eurostar understands the points. Our request is that when assessing them, ORR makes its judgments fairly and objectively based on an unbiased assessment of the statements and commitments actually being made. No weight should be given by the ORR for the purposes of its s.4 assessment in these s.17 processes to benefits that would or might accrue in relation to any stops or destinations without a substantive commitment that provides a sufficient degree of certainty that there would, in fact, be such a stop if an applicant's operations commenced.

6.16 As it stands on record, it is demonstrably true that no applicant – with the exception of Gemini in relation to just Ebbsflet, has made any concrete commitment to re-open the Kent stations; and self-evidently, no applicant could do so before the arrival of their new fleet.

6.17 Eurostar has also said and maintains that it believes its best opportunity to reopen the Kent stations will follow the additional capacity provided by its new fleet and expansion at SPI and TMI. This significant change to the balance of demand and supply offers a much stronger possibility that secondary markets, like Ashford and Ebbsfleet where demand and yield exist but at lower levels, will then become commercially attractive and sustainable. Eurostar believes there can be a positive future aligned with its ambitions for growth beyond the core markets. Accordingly, it is apparent that the position of Eurostar and those operators who have even indicated an interest in Kent is essentially the same: a positive consideration of the potential for Kent services as the new fleets enable this.

6.18 In contrast, only Eurostar is offering the prospect of direct services to the significant international destinations of Cologne, Frankfurt and Geneva. Eurostar's intent is public, its track record (e.g. routes to and from Amsterdam) is established and discussions are underway. At the very least, such services cannot be said to be any more speculative than operator statements regarding Kent and they must carry significant potential for wider UK economic benefit (as acknowledged in inter-governmental statements). If the ORR chooses to consider new route and station potential in its determination, the relative benefits of these routes must be weighted accordingly.

Competition, pricing, abstraction and modal shift

6.19 Eurostar is an open-access operator competing in a multi-modal market and entirely on revenue risk. It benefits from no guaranteed margins or underpinning (indeed, to the contrary, the ORR's HS1 Periodic Review 2024 identified a need to direct reductions in HS1 track access charges in Control Period 4 from the levels to which Eurostar had historically been exposed). That is fundamentally incompatible with the idea or any allegation that Eurostar would operate its services without all achievable efficiencies.

6.20 Eurostar is exposed to intensive competitive pressures from short-haul aviation and cross-Channel journeys yet has driven modal shift through the quality of its service offering and the strength of its brand.

6.21 For example, between 2019 and 2025 Eurostar's market share for passenger travel on the London-Amsterdam[10] (launched in 2018) route grew from 7% to over 20%. That increase in market share primarily saw Eurostar replacing air as a mode of travel. This demonstrates Eurostar's competitiveness against established transport options and its ability to drive modal shift.

6.22 Broadly, the applicants present supporting arguments that rely heavily on a general assertion that competition is beneficial. Eurostar acknowledges the benefits of competition, and in fact many are already present in the market given the active competition from other modes. Eurostar also acknowledges the benefits of on-rail competition in principle. However, in the context of a s.17 process more proper technical analysis should have been presented to assess how significant the benefits of on-rail competition might be in this case and how certain they would be to accrue and over what timeframes.

6.23 Applicants have done little more than present data for some other routes where competition has been introduced. No validation has been conducted of the underlying methodologies used to collate and produce the presented data. No analysis has been conducted to test whether the data presented reflects scenarios that are properly comparable to the operation of international passenger services through the Channel

[10] Significant modal shift on more mature routes will have occurred further in the past.

Tunnel. There is no clarity as to whether the data presented is comprehensive and fairly reflective rather than selected on the basis that it supports the applicants' position.

6.24 Allegations that Eurostar has inflated ticket prices or held them high are contradicted by data:

(a) Average ticket prices fell in real terms[11] on Eurostar's mature (London-Brussels and London-Paris routes) [ ] between 2019 and 2024.

(b) Average ticket prices fell in 2024 in nominal terms on all Eurostar's core (London-Brussels, London-Paris and London-Amsterdam) routes since peak levels in 2022 and 2023 when prices were driven to highs by capacity constraints and a post-Pandemic surge return to travel.

(c) Available data suggests that Eurostar's yields have in recent years consistently been below those of comparable (full service) airlines on all Eurostar's core (London-Brussels, London-Paris and London-Amsterdam) routes.

6.25 Eurostar's prices are primarily dictated by its costs, with increasing costs particularly impactful in recent years. Infrastructure costs (which have typically grown with or above inflation) are particularly impactful on Eurostar's cost base and, therefore, on its prices. As the ORR will be aware, 50% of Eurostar's cost base for its London routes consists of infrastructure costs, the majority of which increase annually with RPI inflation (as above, the ORR recently identified a need to direct reductions in HS1 track access charges in Control Period 4).

6.26 If the ORR intends to weigh the benefits of competition in the balance for its s.4 assessment in these s.17 processes, it must do so only following thorough analysis and detailed consideration. It cannot merely accept the assertions presented by the applicants. That process must be transparent to all involved in the s.17 processes and all other stakeholders.

6.27 As discussed above, the applicants intend to imitate Eurostar's service offering (albeit at smaller scale and scope). This drives the obvious likelihood that on rail competition will be abstractive. The applicants are, generally, transparent that they have done no analysis to test whether their operations would be materially, primarily or even entirely abstractive from Eurostar's own operations. Eurostar is, of course, an open access operator and open to fair competition on the rails. However, in assessing benefits that are stated to be anticipated in connection with new entrants, the ORR must not consider that any such benefits are necessarily additional to those that Eurostar already delivers. Indeed, there might just be movement of delivery of benefits from one operator to another, while also exposing the delivery of those benefits to material operational risks, or the delivery of benefits by a new entrant might result in an overall net fall in benefits delivered, for example, if a new entrant's operations detrimentally impact on Eurostar without being adequately generative of benefits themselves.

6.28 Eurostar's short point is that this area of the ORR's assessment currently appears to be significantly underdeveloped in terms of the availability and robustness of the information that logically and reasonably the ORR should consider.

6.29 Generally, the applicants have suggested that market growth and/or modal shift will provide the solution. Eurostar trusts that it is sufficiently clear to the ORR that the points made by the applicants are no more than speculations. Eurostar would be delighted to see the market grow such all operators could take a slice of a bigger pie, but there is currently no evidence before those involved in these s.17 processes and other stakeholders that would allow that to be assumed. It is obvious that there is a significant risk that market growth and modal shift is not the main opportunity underpinning the applicant's business propositions (and therefore any passenger benefits).

[11] Eurostar has used UK CPI as the inflation index to derive yields in real terms.

Evolyn

6.30 Based on the non-confidential version of Evolyn's latest submissions, which Eurostar has reviewed, Evolyn's service proposal can be described as at a very early stage. That is not to suggest that there is no prospect of it succeeding (Eurostar is cognisant of Evolyn's credentials as a train operator company), but, at this stage and based on the information that Evolyn has released publicly, there cannot be confidence that it will.

VTE

6.31 [ ]

6.32 An unavoidable and material timeline risk arises from the homologation requirements for the high-speed (300 km/h) Avelia Stream rolling stock that VTE intends to procure across the broad range of complex infrastructure on which it will need to operate. Notwithstanding Alstom's track record of homologating rolling stock in individual European jurisdictions, that puts seriously in doubt VTE's ambitious plan to have trains in service across multiple infrastructures within a few years. Eurostar also notes that the Avelia Stream rolling stock will have roughly half the capacity of the rolling stock that Eurostar currently operates [ ]. Eurostar does not have details of VTE's financial forecasts or full details of its proposition (including because of redactions), but the ORR should, of course, scrutinise the sustainability and passenger benefits associated with VTE operating such a limited capacity fleet.

Gemini

6.33 Gemini has exciting ideas and has obviously aimed to innovate somewhat more than others. However, its ideas cannot reasonably be expected to be realised for many years. Gemini must recognise that a 2029 entry into service is unachievable. In particular:

(a) The proposed development of Stratford International would face many challenges and take years to complete.

(b) Gemini's Zone 6 "fall back" plan is unlikely to be possible because LSPH has plans underway to change the layout of the international departures and arrivals areas to create more capacity. These plans have not been finalised, but no scenario shared with Eurostar has seen Zone 6 retained as it currently is. In all likelihood, the layout will be vastly different from today.

(c) Even in circumstances where Zone 6 is retained, its use as anticipated by Gemini would not be operationally feasible: [Zone 6 use is limited by constrained access to the platforms, limited passenger capacity and the adjacent location of the EES Kiosk area. Future passenger growth may require Zone 6 to be used for arrivals well before 2030.]

(d) Gemini has made little progress on the procurement of rolling stock and remains in conversations with four different OEMs.

(e) Connectivity with Old Oak Common is a complex matter and, at this stage, there seems to have been little work done that would allow any assumption that it would be, amongst other things, operationally feasible.

6.34 The proposed development of Stratford International, on which the advantages of Gemini's service offering principally rely, would also be wholly contingent on very significant expenditure and Gemini's submissions contain little about funding of that expenditure. It is reasonable to assume that the cost of developing Stratford International would be a factor of magnitude greater than the cost of developing a new or existing depot to create additional capacity.

Trenitalia France

6.35 Eurostar's ability to comment on Trenitalia France's proposals is limited by the heavy redactions that Trenitalia France has applied to its latest submissions. More than half of Trenitalia France's submissions are redacted and it has published limited information about its service offering publicly. The ORR must, therefore, be conscious that it has exposed its intentions to less scrutiny than all others involved in these s.17 processes.

6.36 What information Trenitalia France has provided about its intended services shows that it proposes the most limited service offering of all applicants, namely, a small number of additional services between London and Paris with any consideration of intermediate stops or other destinations being matters for consideration only many further years into the future.

<u>Benefits that Eurostar will deliver</u>

6.37 Eurostar already is and will continue to be a provider of significant macroeconomic, microeconomic, social and environmental benefits.

6.38 It has a proven track record of providing benefits to passengers in terms of travel time and comfort and the destinations it connects. It enables increased business, travel and tourism opportunities as well as closer cultural connections. Sustainability has been a core element of Eurostar's identity and it contributes greener and more carbon friendly travel (a cornerstone of the EU and the UK's climate change agendas for a more sustainable transport sector).

6.39 Eurostar described the benefits of its operations in its 18 July 2025 submissions. Because of its proven track record and the limited conditionality of its ambitions, the ORR can be confident that Eurostar will continue to deliver those benefits. Across its Phase 1 and Phase 2 growth plans, Eurostar will build on its more than thirty years of operation and will continue to have at its heart the added value it brings to passengers, the wider economy and the environment.

7 THE APPROPRIATE OUTCOME OF THESE S.17 PROCESSES

7.1 There are exciting and credible prospects for huge investment and growth in international rail through the Channel Tunnel. There is also a significant opportunity to make the UK a centre for high-speed train maintenance on a European level, bringing skilled jobs, industrial investment and further strengthening UK ties to continental Europe.

7.2 There is no prospect of realising the required scale of investment within the confines of these s.17 processes. Indeed, it risks undermining them. In response to calls from Eurostar and others, including the DfT and Getlink, for the ORR to look at wider investment, the ORR stated: "*it is outside the scope of the section 17 process for ORR to direct on investment matters*". We respect this but consider it disappointing that the ORR has never acknowledged or given any indication of its views on the clear and present opportunity to unlock growth and facilitate a wholesale introduction of on-rail competition, rather than focusing exclusively on a process that, to use its own words, can "at most" deliver the needs of Eurostar or a single alternative applicant.

7.3 Under these s.17 processes, capacity constraints at TMI unavoidably will result in a single successful claim (whether Eurostar's or a third-party applicant's) to what spare capacity there is at TMI. That will destroy other investment ambitions. These s.17 processes are fundamentally incapable of delivering an outcome that works for all. All unsuccessful applicants will doubtless immediately turn to calls for the creation of additional depot capacity anyway, if they are able to sustain any further financing ambitions at all. Any new entrant is similarly likely to call for the creation of additional capacity as that will be required for any expansion or even, which Eurostar considers likely, the sustainable operation of any initial phase of service provision.

7.4 There are solutions that potentially could deliver an outcome that works for more or all of those interested in utilising maintenance capacity for the operation of high-speed international passenger journeys. Given the complexities of assessing and adapting existing infrastructure in parallel with operations, we do not think that they are slower to implement. They are certainly cleaner and less risky. The ORR should direct its energies into such solutions and accept that the costly and time-consuming s.17 processes are investment damaging and cannot succeed in maximising the delivery of benefits or properly introducing on-rail competition to the market. The ORR should clearly and publicly support the search for a wider solution. Eurostar would be willing to explore how its legal rights (including in respect of Orient Way Sidings) could be used for the benefit of a wider solution that is better for the system for international passenger travel by rail.

7.5 All of that said, these s.17 processes are and can only be about whether the ORR should give a direction to Eurostar to enter an access contract with one of Evolyn, VTE, Gemini or Trenitalia France giving that entity permission to use TMI for the purpose of obtaining light maintenance services for or in connection with the operation of trains at a point in time when such trains exist. For the reasons set out in all Eurostar's submissions, the only logical decision that the ORR can reach that complies with its s.4 duties and the legal scope of s.17 is to decline to issue such a direction.

8 GLOSSARY

8.1 In these submissions the following defined terms have the following meanings:

(a) "Access Management Regulations" means the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016;

(b) the "Act" means the Railways Act 1993;

(c) the "DfT" means the Secretary of State for Transport acting through the Department for Transport;

(d) "Evolyn" means Evolyn Mobility Ltd and (if different) the legal entity that submitted the 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 dated 23 August 2024;

(e) "Gemini" means Gemini TOC Ltd;

(f) "LSPH" means HS1 Limited (t/a London St Pancras Highspeed);

(g) the "ORR" means the Office of Rail and Road;

(h) "reg.32" means regulation 32 of the Access Management Regulations;

(i) "s.4" means section 4 of the Act;

(j) "s.17" means section 17 of the Act;

(k) "SPI" means St Pancras International Train Station;

(l) "TMI" means Temple Mills International Depot;

(m) "Trenitalia France" means the legal entity that submitted the 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 dated 28 March 2025; and

(n) "VTE" means VTE Holdings Limited.