

## Summary of Consultation Responses

LSPH received 18 responses to the consultation, nine of which were supportive, five neutral and three objecting. Where a party's position was not clearly stated, it has been presumed neutral and the party will be invited to clarify their position in the second consultation.

There were six consultation responses from existing or prospective operators. Five responses from adjacent infrastructure managers or national governments and six responses from regional representatives or local governments.

### Existing or prospective operators

- One respondent from this group submitted that LSPH does not have a published process for allocating capacity this far ahead and that, in granting Virgin an FTAA as described, LSPH is allocating capacity without a compliant framework, and that the process should be halted as a result.
  - o LSPH did not accept this noting the capacity allocation process is set out in the HS1 Network Statement, New Operators Guide and the ORR's HS1 Criteria and Procedures (the **ORR C&Ps**). LSPH noted these procedures support requests for access such as Virgin's for the proposed FTAA and LSPH has strictly followed these procedures. Consequently, LSPH did not accept that the process should be halted.
- One respondent from this group claimed that LSPH ran a non-transparent process with Virgin, not giving opportunity for other operators to participate.
  - o LSPH did not accept this noting all operators had the same opportunity to formally request access and participate in LSPH's assessment of operational integrity and financial viability, and a number did. LSPH reiterated that Virgin's request, and the requests of other operators, was handled with commercial confidentiality, which is customary (and justified) practice.
- One respondent from this group submitted that LSPH had not taken into account another operator's publicly announced growth ambitions in proposing to award an FTAA to Virgin.
  - o LSPH confirmed it has strictly followed the ORR C&Ps which directs that LSPH can only consider the rights that operators on the HS1 route hold under contract when awarding capacity to another operator, and so LSPH could not take account of publicly expressed aspirations. In addition, LSPH confirmed that any operator was always able to make an access request

and LSPH would process such a request in line with the same procedures, noting the considerable efforts LSPH had made to prepare for growth of existing and prospective operators through the development of a comprehensive St Pancras Expansion Programme (**StEP**), the launch of an international growth incentive scheme, the coordination of additional hourly paths between London and the Continent and contributing to and co-sponsoring feasibility work for other potential destinations on the Continent.

- One respondent from this group noted a perceived discrepancy in the treatment of a historical request leading to a potential claim of discrimination.
  - o LSPH responded that, as the HS1 network became busier, there was an increased need to undertake more detailed compatibility analysis of requests, as the ORR C&Ps require. In this context, LSPH replied that the historical request referenced did not afford LSPH sufficient time to carry out the more detailed analysis before the deadline for obtaining ORR approval.
- One respondent from this group submitted that too much capacity had been awarded to Virgin in the FTAA, leaving insufficient capacity for other operators and their future ambitions.
  - o LSPH disagreed with this noting the additional capacity that remains on the HS1 route, the HS1's route designation by government and the regulator as specialised infrastructure permitting the prioritisation of international traffic and the efforts to increase the volume of coordinated paths with adjacent infrastructure managers.
- One respondent from this group submitted that it is premature to award capacity to Virgin under the FTAA due to uncertainties around such an award, citing in particular the parallel processes adjacent infrastructure managers were undertaking in relation to capacity allocation.
  - o LSPH disagreed with this noting its regulatory obligation to process any request from an operator which achieves operational integrity at the time of making it, and the efforts LSPH has undertaken to ensure use only of existing coordinated capacity so that the rights can be effectively exercised.
- One respondent from this group submitted that Virgin did not have a sufficient state of readiness to be awarded capacity.
  - o LSPH disagreed with this noting that LSPH had undertaken a thorough process to determine that the operator to demonstrate operational integrity, in line with the ORR C&Ps and ORR guidance for awarding open access, as well as following ORR precedents in relation to this matter.
- Two respondents from this group raised concerns about the specimen timetable referenced in the Form P and about the exact future times that might be awarded to a particular operator.

- LSPH did not accept this concern, noting that the specimen timetable was a specimen and should not be read as an indication of exact timetabled capacity which will be awarded in the future. LSPH reiterated that future timetable construction will be conducted in compliance with the HS1 Network Code and the Decision Criteria therein which deal with the situation where conflicts may arise. LSPH reiterated that under the timetabling process, operators could bid for particular slots in accordance with their access rights, but no operator was guaranteed any slot .
- One respondent from this group raised concerns about the flexing of rights and made a claim about the lack of policy in relation to this.
  - LSPH did not agree with this noting that flexing policy will be exercised as indicated in the HS1 Network Code and affirmed in the ORR C&Ps.
- One respondent from this group submitted that the capacity validation work in relation to the St Pancras International Zone was not credible and did not take into account the future rolling stock needs of other operators.
  - LSPH did not agree with this on the basis that the analysis was undertaken by a qualified expert with appropriate expertise and specific experience relating to the St Pancras International Zone, as required by the ORR C&Ps. In addition, LSPH confirmed that LSPH's analysis assumptions followed capacity and rolling stock guidance as specified in existing FTAA's, as is required in the ORR C&Ps.
- One respondent from this group submitted that capacity should not be awarded until the St Pancras Enhancement Project (StEP) was "funded".
  - LSPH highlighted that the awarding of capacity under the Virgin FTAA was not dependent on StEP and therefore this was not a relevant constraint.
- Two respondents from this group raised concerns over optimism bias in the performance modelling and lack of consideration of familiar factors to cross-Channel delays that impact performance.
  - LSPH referred to sections in the validation reports where these specific points were considered and issues that have been already identified for development.
- Two respondents from this group questioned the impact of non-alignment with the French capacity allocation process.
  - LSPH acknowledged the parallel processes and confirmed conformity to the ORR C&Ps on this matter.
- One respondent from this group expressed support for the Virgin FTAA, citing the benefits that arise from the fixed costs of the railways being born by greater use. However, this support was qualified by the observation that close consideration needed to be given to the potential impact on other users.

## LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

- LSPH acknowledged and agreed with the benefits and greater efficiencies that would flow from potentially greater use but felt that the potential impact on other users had been closely considered as part of LSPH's compliance with the ORR C&Ps and the validation exercise it carried out.
- One respondent from this group highlighted the potential impact on services that were provided on another network and queried whether sufficient consideration had been given to this, and the flexes and associated impact that may occur on the HS1 network.
  - LSPH confirmed the validation assessment had been carried out in relation to impact on the HS1 network and in doing so LSPH had applied the existing and established coordinated paths for all adjacent rail infrastructure both internationally and domestically.
- One respondent from this group highlighted the potential commercial impacts that may arise from the Virgin FTAA and the potential retiming that may be required from greater use of the HS1 network.
  - LSPH confirmed that such matters would be appropriately considered in the application of the HS1 Network Code and the Decision Criteria therein which make specific reference to the appropriate consideration, amongst other criteria, of the commercial impact in the construction of future timetables.
- One respondent from this group highlighted the potential future requirement to retime domestic services that may extend journey times for other users on the HS1 network.
  - LSPH noted that the maximum such change was three minutes and that the changes were small and manageable and within those foreseen and permitted in the application of the HS1 Network Code.
- One respondent from this group was supportive of Virgin's use of Temple Mills Depot.
  - LSPH noted that the choice of depot solution was a matter for an individual operator. Accordingly, LSPH's locus was limited to assessing whether any solution was developed and viable in line with ORR guidance on operational integrity.
- One respondent from this group stressed the need for greater performance modelling to assess wider impact.
  - LSPH confirmed that the Rail Aspects' work was proportionate and appropriate to the ORR C&Ps' requirement. In addition, LSPH confirmed that the modelling had taken into account the empty stock movements between London St Pancras and Temple Mills Depot.
- One respondent from this group sought clarification as to what consideration LSPH had given to constraints outside "normal timetable rules," as referenced in the Form P.
  - LSPH confirmed this related to specific security and border requirements from government that international operators are subject to, but did not need consideration for any domestic operator.

## LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

- One respondent from this group enquired whether consideration had been given to future Engineering Access requirements.
  - o LSPH confirmed that as required by the HS1 Network Code, such statements were only available 18 months, before any given timetable change process, therefore it would not be appropriate to include those unknown requirements in the specimen timetable. The prevailing Timetable Planning Rules had, however, been used in the creation of the Specimen Timetable as a reasonable working assumption that they would continue to apply in the future.
- One respondent from this group expressed disappointment that Virgin was not proposing to stop at Kent stations in this FTAA.
  - o LSPH indicated that, as an infrastructure manager responsible for an open access network, it could not compel any operator to stop at any station. Virgin reiterated its willingness to consider stopping at these stations and confirmed that this would be considered when the business case was more favourable.
- One respondent from this group made the case for other St Pancras enhancements beyond the International Zone.
  - o LSPH committed to continue to engage all station users regarding proposed enhancements to the station.
- One respondent from this group requested to be involved in future crowd management at St Pancras.
  - o LSPH confirmed that all station users would be appropriately engaged in all iterations and evolution of station safety plans.
- One respondent from this group enquired about Virgin's future engagement in route safety arrangements.
  - o LSPH confirmed such matters were for individual operator's safety case and certification. Virgin confirmed senior engagement had begun on areas of cooperation and Virgin would work constructively to integrate appropriately.
- One respondent from this group inquired about the extent to which the station impact assessment had considered the implementation of future border arrangements.
  - o LSPH confirmed the station assessment had considered arrangements as known and would evolve and engage all operators as appropriate as they do.
- One respondent from this group raised a concern about potential fleet reliability issues from whatever fleet Virgin deploys and was consequently specified in Virgin's FTAA.
  - o LSPH confirmed that LSPH had followed the ORR's C&Ps in relation to operational integrity and application of the appropriate ORR guidance on fleet suitability. LSPH confirmed that all new fleets were subject to the same vehicle acceptance process.
- One respondent from this group raised the potential of liability risks that arise from the performance regime in the Passenger Access Terms and how this may change as more operators participate in the system.

## LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

- LSPH confirmed that the performance regime would be recalibrated ahead of Virgin's entry into the system, all users would be consulted, and this would be approved by the ORR through the price control process.
- One respondent from this group gave support to the Virgin FTAA.
  - LSPH welcomed this support.
- One respondent from this group made a request in relation to confidentiality of its submission.
  - LSPH acknowledged it had respected the request and had applied the same confidentiality to submissions of the same type.
- One respondent from this group reasserted their credentials and readiness to use capacity on the HS1 route.
  - LSPH acknowledged the assertion and reiterated how these matters had been taken into account during the consideration of operational integrity in line with ORR C&Ps and the relevant guidance on open access applications.
- One respondent from this group claimed that they had achieved operational integrity like Virgin and therefore asserted that their request should be taken forward and processed in parallel.
  - LSPH confirmed that it had applied the operational integrity requirements at the time of consideration as outlined in the Form P. That consideration while initially driven by the Virgin request was applied to all prospective operators. No other prospective operator had demonstrated operational integrity. LSPH shared comprehensive information in relation to how LSPH had considered each operational integrity submission and the application of the relevant criteria, noting this had previously been shared in person. LSPH noted the assertions that were made about events and developments that have subsequently taken place since LSPH carried out the relevant operational integrity assessment. LSPH invited the party to indicate whether it had submitted all the evidence it wanted LSPH to reconsider, including documentary evidence that supported any assertions and subsequent developments. LSPH also indicated that it would reconvene its internal assessment panel to consider further assessment of operational integrity, noting that it would be considered subsequent to Virgin's request, subject to ORR's approval of the Virgin FTAA.
- One respondent from this group queried why the Virgin FTAA included elements of the operational integrity test and raised concerns that Virgin had not been required to meet the same operational integrity requirement and asserted that other operators should be able to have the same 'leeway'.
  - LSPH confirmed this was a misinterpretation of the FTAA. LSPH reconfirmed that Virgin had achieved operational integrity at the time it was assessed and this is made clear in the Form P. The inclusion of the operational integrity conditions precedent in the Virgin FTAA is to ensure Virgin is continuously complying with the requirements of the operational integrity

test during mobilisation and to ensure the efficient allocation of capacity. It followed that, if Virgin was no longer complying with the test, the FTAA would lapse as per the terms set out in the FTAA.

- One respondent from this group attempted to draw comparisons between themselves and the readiness of Virgin.
  - o LSPH reconfirmed the purpose of the operational integrity test to consider such matters and reiterated the outcome of the process that is detailed above.
- One respondent from this group claimed that failure to consider another prospective operator's request alongside Virgin's was discriminatory.
  - o LSPH disagreed with this noting that all prospective operators had been given equal opportunity to demonstrate operational integrity on an equal basis and through the application of the same rules, following the ORR C&Ps and relevant guidance.
- One respondent from this group raised concerns over the risk of capacity underutilisation in the event that Virgin was unable to mobilise.
  - o LSPH confirmed that these concerns were met by the integration of the ongoing operational integrity test in the Virgin FTAA as a means of ensuring that Virgin continued to mobilise, making clear that the capacity would be returned to the market in event of failure of this mobilisation in line with the terms set out in the FTAA.
- Two respondents from this group claimed that LSPH and the ORR should consider the public interest and relative passenger benefits of another party's application in parallel to Virgin's request.
  - o LSPH noted it would apply the relevant test of measuring such benefits where there was a competing request. LSPH reiterated that there was not a competing request in this instance as at the time of inquiry no other requesting party had reached operational integrity, as detailed above.
- One respondent from this group indicated that they would be resubmitting an application for access.
  - o LSPH confirmed that it considered such an application had already been made by the respondent as per the ORR C&Ps, but LSPH remained ready to reassess operational integrity if there was any further information from the previous application. Where another party satisfied the operational integrity requirements, LSPH would continue the process in the same way as outlined in the ORR C&Ps.
- One respondent from this group indicated their support for competition but made a claim that the process in relation to Virgin had not been transparent, proportionate or non-discriminatory.

## LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

- LSPH welcomed the responder's support for competition but did not agree with its claims, pointing out that it had carried out an assessment process in accordance with the ORR C&Ps which was proportionate for the access rights sought and considered the applications of other operators, and was therefore not discriminatory.
- One respondent from this group claimed that awarding capacity to Virgin made future applications more difficult.
  - LSPH confirmed that it had advanced plans to support the growth of existing and future operators, including development of StEP and coordination of an additional hourly international path with adjacent IMs. In addition, the government and regulator's designation of the HS1 route as specialised infrastructure further permitted the prioritisation of international traffic, assuring the availability of capacity when needed.
- One respondent from this group asserted that the criteria of operational readiness should be objective and readily accessible. In addition, there was a claim that Virgin had to produce unnecessary information related to socio-economic benefits.
  - LSPH reconfirmed that it had followed the ORR C&Ps and the relevant ORR guidance on viability of open access applications. In addition, it reconfirmed the Form P had made no assertion that Virgin was subject to any socio-economic test and such information was included voluntarily by both parties for information purposes. No other operator was subjected to such a test either.
- One respondent from this group challenged the need for a specimen timetable and detailed validation.
  - LSPH confirmed that it had followed the relevant requirement in the ORR C&Ps in relation to validating the request against available capacity and that LSPH had pre-empted the ORR's potential request in relation to producing a specimen timetable.
- One respondent from this group challenged the route selection of Virgin.
  - LSPH indicated as above that, as this was not a competitive request, LSPH had no locus to consider such matters.
- One respondent from this group raised concerns about the length of the Virgin agreement and the tying up of capacity for extended periods.
  - LSPH indicated that it had applied the relevant regulatory criteria in relation to this matter after Virgin had provided evidence to support its requested tenure, as per ORR guidance.
- One respondent from this group asserted that the contract should have appropriate milestones and mechanisms to clawback underutilised capacity.

- LSPH reiterated the point about the integration of the operational integrity test into the Virgin FTAA on an ongoing basis as a means of ensuring ongoing mobilisation and made reference to the general ability within the HS1 Network Code for a process to remove rights where they are not being utilised.
- One respondent from this group claimed that awarding the FTAA in the way it had been done had hindered future market entry of other operators.
  - LSPH reaffirmed that it had applied the relevant process and procedure in line with the ORR C&Ps and that that process (and capacity) remained available for other operators to avail themselves of.
- One respondent from this group claimed that LSPH attempted to conceal the involvement of Equitix, a minority shareholder in HS1 Ltd, in Virgin's venture and the risk of conflict of interest.
  - LSPH confirmed that it had at no time attempted to conceal this issue and that it was a matter of public record. Furthermore, LSPH outlined the proactive steps it had taken to inform the regulator of this matter in advance of its consideration of the Form P as well as the internal management measures that were implemented which had been in place since to manage any potential conflict of interest.

### **Adjacent infrastructure managers**

- Two respondents in this group acknowledged the collective cooperation infrastructure managers have had on coordinating capacity, particularly the fifth international path. In addition, one of those respondents highlighted the topics of discussion which they had collectively covered with other IMs, including market analysis, traffic forecasts, capacity allocation and frameworks.
  - LSPH acknowledged the coordination and thanked the role those IMs (and other IMs) had played in the positive engagements, noting the requirement on respective operators to respect each IM's framework separately.
- One respondent in this group questioned whether Virgin had reached sufficient maturity to warrant capacity allocation under a FTAA.
  - LSPH noted its application of the operational integrity process as outlined in the ORR C&Ps and associated guidance in the assessment of open access requests had led LSPH to determine that Virgin was the only requesting operator to have met this criteria at that time.
- One respondent highlighted an inconsistency in start dates with Outbound and Inbound services in the FTAA.

## LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

- LSPH acknowledged the inconsistency arising from a drafting error. It confirmed the request was per the Form P and would correct the FTAA at the first available opportunity, noting the time parties had to achieve this before rights will be exercised.
- Two respondents noted the conditions precedent and the need to assure that Virgin were held to these provisions to ensure capacity was not blocked.
  - LSPH concurred and confirmed it would assure adherence to the terms of the contract.
- One respondent noted the exchange IMs have had on operational integrity separately and the risk inherent to IMs making different assessments at different times.
  - LSPH noted that it had followed the operational integrity assessment on the basis of information that operators had submitted/made available or was available from publicly available sources. In addition, LSPH acknowledged the risk, confirmed the efforts it had made with relevant parties and underscored each stakeholder's obligation to work within the regulatory framework, noting the efforts LSPH had gone to, to assure path coordination.
- Two respondents from this group noted the known differences between the respective capacity allocation processes, highlighting the risk of rights not being allocated in the same way on their infrastructure.
  - LSPH acknowledged this observation and the risk. It highlighted that nothing in the Virgin FTAA obliged or suggested that capacity would be allocated in the same way by any other IM, but noted the LSPH had respected the existing coordinated capacity for the cross-Channel services, i.e. four paths per hour.
- One respondent from this group noted the challenges of considering complex contracts in a different language and from within a different legal framework.
  - LSPH acknowledged the mutual challenge of working internationally and thanked parties for their effort in this regard.
- One respondent in this group welcomed the UK regulatory framework that permits the allocation of capacity during the process of mobilisation, noting also the protections in place to ensure that this capacity had been appropriately safeguarded.
  - LSPH welcomed the support of this approach, highlighting its general acceptance within UK rail regulation.
- One respondent in this group highlighted the risk that IMs may assess mobilisation maturity differently and the potential consequence of this that a given operator may not be allocated capacity in the same way by another IM.
  - LSPH acknowledged this risk and reiterated that nothing in the Virgin FTAA obliged any adjacent IM to allocate capacity in a certain way. LSPH reconfirmed that it had followed the ORR C&Ps and allocated capacity to Virgin within the existing coordinated cross-Channel hourly capacity.

- One respondent in the group highlighted its own internal process and path to allocating firm rights, acknowledging that whilst framework agreements on its network are not currently available, this will change shortly.
  - o LSPH acknowledged this description noting that the ORR C&Ps do not permit the suspending of the allocation of rights on the HS1 network in anticipation of a future allocation process on an adjacent network. Nevertheless, LSPH has assured the possibility of coordination through ensuring the capacity allocated in Virgin's FTAA is within the existing coordinated cross-Channel four hourly paths.
- Two respondents from this group encouraged greater harmonisation between capacity allocation processes, whilst underlining that each IM must retain discretion to allocate its own capacity.
  - o LSPH welcomed continued working together in this domain to further the interests of passengers and operators.
- One respondent from this group highlighted a perceived omission in the Form P that stated no operator held an FTAA on any other infrastructure.
  - o LSPH confirmed this description is accurate and the Form P is a regulatory document that pertains to the request, not the wider context. As the respondent noted elsewhere in its submission, all stakeholders know the ORR is fully aware of the pending capacity allocation process on the relevant infrastructure.
- One respondent in this group welcomed the LSPH approach of only allocating capacity within the known existing coordinated four hourly cross-Channel paths, noting the ongoing uncertainty of coordination of the fifth path. In addition, the respondent indicated a preference for cross-Channel capacity allocation to be halted until the fifth path was certain.
  - o LSPH welcomed the endorsement of this approach and acknowledged the challenges of the fifth path on other infrastructures, and encouraged continued work to unlock this capacity to ensure existing and future operators can continue to grow. LSPH reiterated that the ORR C&Ps did not allow it to halt capacity allocation on the HS1 network, especially where existing capacity on that infrastructure is known – noting that the Virgin FTAA allocates a proportion of that existing known capacity.
- One respondent from this group noted a regulatory obligation on its own network that restricted the allocation of 100% capacity under framework agreement. Accordingly, it indicated that fulfilling both the Eurostar and Virgin FTAA's in the future on its network may contravene this requirement, leading potentially to a lower level of firm rights allocation on its network.
  - o LSPH acknowledged the IM's obligation, reiterating LSPH's own obligations on the HS1 network in the ORR C&Ps. LSPH pointed out that neither the Virgin nor Eurostar FTAA oblige any adjacent IM to award capacity in any given way and that the Virgin timetable validation assessment had been carried out using known existing coordinated hourly capacity.

## LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

- One respondent from this group noted that no operator on the French network had a presumption of the continuation of rights.
  - o LSPH pointed to the clear ORR C&Ps direction on the treatment of capacity that had already been allocated
- One respondent from this group noted that there were other prospective operators with an interest in the cross-Channel market.
  - o LSPH confirmed that it was working with existing and future market operators and had ensured that capacity had been allocated in line with regulatory expectations and would continue to do so.
- One respondent from this group indicated that they could not carry out a full and informed assessment because insufficient information had been provided, such as confirmed rolling stock and an operation plan.
  - o LSPH confirmed that the purpose of the consultation was not to require any other IM to make such an assessment, and it fully respected other IMs to make their own judgements on these matters. LSPH indicated that nothing in the FTAA obliged any other IM to enter into any agreement or assumed capacity allocation. LSPH confirmed that it had respected the existing pattern of coordinated hourly capacity in the cross-Channel market.
- One respondent in the group indicated that it appeared the FTAA allocated more capacity than existed for its infrastructure.
  - o LSPH indicated that this assessment was based on a misinterpretation of information in the Form P and the FTAA. LSPH sought to clarify this.
- One respondent in this group expressed concern that the Virgin FTAA allocation did not appear to consider engineering capacity requirements on its network.
  - o LSPH confirmed that the process for allocating firm rights on the HS1 network was limited to a minimum of a daily quantum, therefore the FTAA did not allocate capacity for any given time, i.e. those reserved for any maintenance activity on another network. Such allocation was reserved for the annual timetabling process leading up to the specific timetable to be operated.
- One respondent from this group highlighted the allocation of cross-border capacity will become easier with the implementation of the European Union Capacity Allocation Regulations.
  - o LSPH welcomed these future changes, whilst confirming this allocation had been made under existing regulation.
- One respondent from this group highlighted a perceived lack of engagement leading to an inability for the IM to understand the UK regulatory framework, the criteria applied and the process followed.
  - o LSPH confirmed that the process applied was the same process that already exists for Eurostar. LSPH acknowledged the challenge and the lack of familiarity with the process, confirming that LSPH had followed the appropriate ORR C&Ps and had

made no commitment that obliged any other infrastructure manager to allocate capacity. In addition, it confirmed that LSPH had followed the existing hourly capacity allocation for cross-Channel traffic.

- One respondent from the group confirmed that it did not currently permit the allocation of firm rights on its network.
  - o LSPH acknowledged this and reiterated that there was nothing in any of the LSPH FTAA's that obliged adjacent IMs to allocate capacity under firm rights.
- One respondent from this group indicated that it had not received a formal notification from Virgin of intention to operate on its network.
  - o Virgin confirmed its engagement thus far to the IM concerned.

#### **National and Local Government and Regional Stakeholders**

- Six respondents from this group welcomed competition on the HS1 network, extolling the significant socio-economic and passenger benefits that flow from this.
  - o LSPH acknowledged the benefits and shared its desire to realise the anticipated socio-economic and passenger benefits that would flow from the increased services on the HS1 route.
- Six respondents from the group stressed the strategic importance of the HS1 network and international services to regional stakeholders in relation to connectivity, encouraging investment and economic growth.
  - o LSPH acknowledged this potential. It highlighted the significant financial incentives it had made available to all operators for calling at regional stations. However, LSPH confirmed that, as infrastructure manager, it could not oblige any operator to use any station, confirming this ultimately was a decision for each operator. LSPH confirmed it would continue to work with existing and future operators to encourage the stopping of international passenger services at other stations on the HS1 network.
- Four of the respondents from this group highlighted the potential barriers new market entrants face in entering the cross-Channel market from rolling stock, certification and wider commercial and operational hurdles.
  - o LSPH acknowledged this challenges and assured it has followed the appropriate regulatory framework to balances the challenges operators face and the need for certainty against efficient use of the network, as outlined in the ORR's C&Ps.

LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

The Department for Transport (DfT) has requested its consultation response to be published in full. Accordingly, please find this below with LSPH and Virgin's responses.

#	Issues Raised	LSPH and Virgin Response (Virgin where shared)	Mitigations
1.	Thank you for sharing your consultation dated 24th April 2026 and for the opportunity to comment given our interests as the freeholder of the HS1 asset, and Ministerial ambitions to support the growth of international rail services. We request that our response is published in full on your website rather than a summary of it.	LSPH notes the request to publish DfT's response in full and will duly comply.	
2.	The Government supports the independent role of the ORR in reviewing applications for access onto the HS1 network. We therefore have no direct comments on the Framework Track Access Agreement as proposed, noting this is ultimately subject to the ORR's approval.	LSPH acknowledges and supports DfT's stance in relation to the role of the ORR and independent regulation.	
3.	As you know, the Government fully welcomes the prospect of new entrants to the market and is committed to establishing a thriving and competitive international rail passenger service market. This proposed Framework Track Access Agreement (FTAA) therefore marks an important milestone on the path to realising competition and new cross-Channel services.	LSPH acknowledges and welcomes DfT's support of the international rail sector and its proactive promotion of competition.	
4.	The Department is also conscious of other operators' ambitions for future growth - both international and domestic. As such, the Department would like to seek assurance that HS1 Ltd is engaging with other operators on their plans and reflecting these in its long-term capacity planning processes.	LSPH is happy to assure DfT that it has proactively engaged existing and prospective operators on the HS1 Network, both domestic and international, on their plans for growth. LSPH equally welcomes the DfT's ongoing support and diligence in key enablers for such growth, such as the creation of an appropriate residual value mechanism to ensure that any investment in enhancements can be recovered from operators in an affordable timeframe.	
5.	The Department does, however, want to reiterate its support for the reinstatement of services to Kent stations. The Department notes that this Framework Track Access Agreement does not make express provision for intermediate stops, however the Government notes and welcomes the working group convened by HS1 Ltd separately to address the barriers to reactivating Kent stations, with a view to making	LSPH notes DfT's support for the usage of regional stations on the HS1 route. As an open access system, LSPH has no ability to compel or prevent any operator to stop at any station. Nevertheless, LSPH has made available incentives to international operators to make the stopping at intermediate stations on the HS1 route	

LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

#	Issues Raised	LSPH and Virgin Response (Virgin where shared)	Mitigations
	<p>them operational for new entrants. The Department therefore would like to seek reassurance that any subsequent change to Virgin's or any other operator's plans to serve Kent stations could be accommodated within the timetable as a result of this proposed agreement (FTAA).</p>	<p>more financially attractive and are working with stakeholders to help address the business case for operators making use of these stations.</p> <p>Virgin further notes that intermediate stations are not contemplated as part of the FTAA because there is currently no firm plan in place to open the stations by 2030. If and when the stations are set to open, LSPH and Virgin both note the agreement can be revisited. Virgin advises that it has been proactively engaging with various local and national stakeholders regarding stopping services in Kent for more than two years, and Virgin's consistent position throughout that period has been that if the Kent stations were to be reopened for international services, then it would stop services there. There are considerable costs involved in reopening these stations (even after any discounts are applied) and significant complexities in re-establishing borders and security, much of the latter outside of Virgin's control.</p> <p>The quantum of rights assigned to Virgin in the proposed FTAA is supported by a detailed assessment of their currently proposed services, which do not include calling at the Kent stations. This is therefore the only service proposition that we can absolutely say can be accommodated within the timetable. Any future proposals to serve the Kent stations, by Virgin or other operators, would need to be assessed as and when they are brought forward and would be subject to the formal timetable change process, as set out in the HS1 Network Code, Part D. Whether or not they could be accommodated would be dependent on the specific timing and extent of the station calls, hence LSPH cannot commit that 'any subsequent change' can be accommodated, in advance of any specific request from an operator.</p>	

LSPH and Virgin's **Initial** Responses to Virgin FTAA Consultation Submissions – 19 June 2026

#	Issues Raised	LSPH and Virgin Response (Virgin where shared)	Mitigations
		<p>Calling at Kent stations would put additional time into the schedules of any international trains that do so, necessitating consequential amendments to other services. As international paths on HS1 need to align with fixed slots through the Channel Tunnel, all of this impact would need to be absorbed by the timetable on HS1 and the British domestic network. Historically, when some Eurostar trains called at Ashford or Ebbsfleet, for outbound services this was accommodated by the train departing London earlier, so that they could still reach the tunnel at the same time as if they had run non-stop in 31 minutes. Inbound services would simply reach St Pancras later than a non-stop service. In both cases, this meant that these services consumed more timetable capacity than a non-stop path and would encroach into parts of the standard hourly pattern that might otherwise be occupied by domestic services. Reintroducing such calls into today's timetable may thus be expected in general to require some consequential amendments to Southeastern train paths, though the extent of this would depend on which international services an operator wanted to stop at an intermediate station. On initial high-level review of the May '26 timetable, adding such station calls to international services during domestic peak hours would impact interfacing Southeastern paths, whereas there would appear to be some international paths during the off-peak that could accommodate an intermediate stop with limited impact (subject to detailed investigation).</p> <p>Consequential changes to Southeastern paths on HS1 may have a knock-on effect to the timetable on Network Rail Infrastructure Limited (NRIL) Kent Route. This does not mean that introducing calls at Kent stations by international operators is not possible, just that the extent of resulting timetabling work that would be required to assess the impact and create a workable</p>	

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		<p>timetable could be significant, depending on the when and how often those calls are added to the timetable.</p> <p>The proposed FTAA as it stands would not be sufficient to permit calls at intermediate stations on HS1. Virgin would need to enter into a Station Access Agreement (SAA) with LSPH for each of the stations they wish to call at, which would then be listed under 'Schedule 3: Collateral Agreements' in their FTAA – the currently proposed version of the FTAA only includes 'Access agreements between (1) the Train Operator and (2) the Company granting the Train Operator permission to use St Pancras International' in Schedule 3. Virgin might also wish to request firm rights to make additional calls, under 'Schedule 5: The Services and the Specified Equipment, 5. Turnaround Times, Platforms and Station Calls, 5.4', which also only includes St Pancras in the consultation draft of the FTAA. In order to serve Ashford International, Virgin would require a Track Access Contract (TAC) with NRIL and a SAA with the Station Facility Owner (SFO), which LSPH understands they do not currently intend to seek. However, the proposed FTAA with LSPH includes the HS1 sections of the Ashford chords under 'Schedule 2: The Routes' – this means that should Virgin in future decide to serve Ashford they would not need to add these sections to Schedule 2 and would just need to request the relevant TAC and SAA with other parties.</p>	