

Application to the Office of Rail and Road for approval of a passenger framework agreement or an amendment to an existing framework agreement under The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016

1. Introduction

Please use this form to apply to the Office of Rail and Road (ORR) for:

- approval under The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 ("the Regulations") for a new framework agreement; and
- approval under the Regulations for amendments to an existing framework agreement.

The Regulations provide for ORR to approve framework agreements between an applicant, and the infrastructure manager, which in the case of the HS1 network ("HS1") is HS1 Limited. This form should be completed up to section 6.3 before carrying out a pre-application consultation to inform potentially affected parties of the proposed contract. Following this consultation, the remainder should be completed before applying to ORR under the Regulations.

This form sets out ORR's standard information requirements for considering applications. It cross-refers throughout to ORR's 'Criteria and Procedures for the approval of framework agreements on the HS1 network' ("C&Ps"), which applicants are strongly advised to read and take advice on if necessary. The C&Ps explain the process and timing for our consideration of access applications and discuss the issues we will need to consider. Applicants should use the published template framework agreement as their starting point when drafting the contract they would like.

ORR is happy to discuss prospective applications. Please contact us [here](#).

A copy of this form, and of HS1 Limited's template framework agreement, can be accessed electronically and downloaded via the [ORR website](#).

2. The application

2.1 Title of proposed contract:

VTE **HoldingsOpCo** Limited ("Virgin") Framework Track Access Agreement 2026 ("FTAA")

2.2 Contact details (Companies and named individual for queries):

Infrastructure Manager: HS1 Limited (trading as London St Pancras Highspeed) ("LSPH")

Contact individual: [REDACTED]

Job title: [REDACTED]

Address: [REDACTED]

Telephone number: N/A

E-mail address: [REDACTED]

Applicant: VTE **HoldingsOpCo** Limited

Contact Individual: [REDACTED]

Job title: [REDACTED]

Address: [REDACTED]

Telephone number: N/A

E-mail address: [REDACTED]

2.3 Licence and railway safety certificate: please state whether the applicant intends to operate the services itself or have them operated on its behalf

Does the proposed operator of the services (a) hold a valid European licence and Statement of National Regulatory Provisions for operating the proposed services in Great Britain under the Railway (Licensing of Railway Undertakings) Regulations 2005, and (b) have a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006. If the answer to (a) **or** (b) is no, please state the point which the proposed operator has reached in obtaining a licence, exemption and/or safety certificate.

Operations: Virgin will operate services itself.

Train Licence: No.

Railway Safety Certificate: No.

Virgin is working towards obtaining passenger operating licences and a valid safety certificate in parallel with the open access application process. The Virgin leadership team has experience and capability of successfully achieving rail operator safety certification. Virgin has engaged with ORR and European counterparts and understands well the timing and process to obtain the required licences and certificates to commence operations.

The FTAA contains a 'conditions precedent' that Virgin must hold a valid train licence and valid safety certificate, ensuring that Virgin can only operate with a valid licence and safety certification.

3. The proposed contract or amendment

3.1 Executive summary: please provide an executive summary of the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. The summary in this section should also explain (here or by cross-reference to the answers in the sections below):

- where there is an existing agreement in respect of the services in question, any differences between the existing agreement and the proposed contract (e.g. calling patterns, frequency, routes, rolling-stock, commercial terms etc) **C&Ps para: 3.10**;
- the commencement and end dates for the proposal, and for new agreements or extensions to existing agreements, provide justification for the proposed length of the application, where contracts would be for longer than five years, with reference to the Regulations **C&Ps para: 3.40**; and
- any material safety risks that have been identified arising from the proposed contract or amendment and how these will be controlled (by reference to the provisions of the relevant safety authorisation and the train operator's safety certificate) **C&Ps para: 3.6-3.8**.

LSPH and Virgin have agreed to enter into the FTAA with the following provisions:

International Highspeed Passenger Services: (See section 4 *The expression of access rights and the consumption of capacity* below for full details):

- London–Paris: Gradual ramp-up from 6 daily paths (Oct 2030–Mar 2031), to 10 daily paths (Apr–Sep 2031), reaching 13 daily paths in each direction from Oct 2031–Dec 2040.
- London–Brussels: From Feb 2031–Dec 2040, 4 paths per day each way.
- London–Amsterdam: From Sept 2031–Dec 2040, 3 paths per day each way (with Amsterdam rights partly contingent).

Start of services: 1 October 2030

FTAA End Date: 31 December 2040

Duration: 10 years and 3 months

Justification for Length of Duration: The contract duration requested was greater than the standard length. Accordingly, LSPH invited Virgin to demonstrate that such a request complied with Section 3.40 to 3.42 of the ORR C&Ps and the referenced ORR 'Guidance on the Duration of Track Access Agreement'. Virgin supplied justification on the basis of the purchase of specialised rolling stock, a contract duration that nearer reflects the recovery period of the anticipated rolling stock investment and maintenance agreements, which has been shared with ORR officials for their consideration.

Rolling Stock: Fully HS1 route compliant - See section 3.2 below

Material Safety Risks: Network Rail High Speed ("NRHS"), the safety duty holder for the HS1 route has confirmed, "At this stage, we have not identified any safety issues arising from the proposed changes that cannot be adequately controlled or mitigated ahead of the commencement of Virgin's services."

(Extract: 'Safety & Capacity Assurance Review Panel – Assessment of access rights application by VTE Holdings Limited (Virgin)')

3.2 Departures from HS1's template framework agreement: please set out here, with reasons, any:

- areas where the drafting of the proposed contract or amendment omits, amends or adds to HS1's published template framework agreement (as appropriate, cross-referencing to the answers below) **C&Ps para: 5.2;**
- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in the template framework agreement, including the financial implications **C&Ps chapter 4;** and
- new processes which have been added. Please demonstrate how the process is robust, internally consistent and complete **C&Ps para: 5.9.**

The proposed FTAA is a framework agreement under the Regulations.

LSPH has drawn from ORR precedents in relation to the awarding of track access agreements to operators that are yet to enter into a purchase agreement for rolling stock and further mobilise, to include a small number of targeted 'conditions precedent' (an event that must occur before a contractual obligation becomes enforceable) to the standard LSPH FTAA. Under the draft terms, Virgin's permission to use HS1 is conditional on the satisfaction of these conditions precedent. If they are satisfied in a timely manner, Virgin will be able to access HS1 as anticipated. If they are not satisfied in a timely manner, the FTAA will lapse and the capacity granted thereunder will once again become available. The ORR retains a right to extend the specified dates for satisfaction in accordance with its regulatory duties.

These additional conditions meet LSPH's duty to grant capacity efficiently under the Regulations. In this context, there is a need to balance the need of a mobilising train operator to have sufficient certainty of access rights in order that it can then make significant investments (including in new rolling stock), against the fact that this certainty effectively ties up those access rights several years in advance of operations with some uncertainty and so risk that those operations may never commence because those investments are never made for whatever reason.

Accordingly, LSPH and Virgin have agreed to enter into an FTAA which contains the following variations from the template:

- recognising that Virgin is yet to enter into a purchase agreement for rolling stock the inclusion of conditions precedent which provides that Virgin:

- must enter into a purchase agreement for the purchase of rolling stock by a specified date; and
 - must demonstrate the route compatibility of that rolling stock, noting, amongst other points, that any future timetabling is predicated on such rolling stock:
 - meeting HS1 Route sectional appendix compliance requirements; and
 - being no longer than 8 coaches used solely in single formation, thus restricting vehicle length;
- the operational integrity and financial viability tests in [ORR's Open Access Guidance of 31 January 2025](#) have been included as further 'conditions precedent' that must be fulfilled to ensure ongoing compliance and progress towards operations and so manage the risk described above;
- inclusion of a novation and assignment clause to prevent intra-group transfers prior to mobilisation ensuring that LSPH continues to contract with the entity (and individuals within that entity) which is proving its operational integrity and financial viability during that period. This limitation expires at a specified date to put all operators on an equal footing; and
- ORR precedent-based provisions for the establishment of Section 4 and Section 8 thresholds and payment rates (among other things) – see below.

All new provisions are clear, objective and/or timebound to ensure they do not lead to ambiguity or “drift” (ORR C&Ps 5.8).

Charges

All charging provisions of this contract are standard, as set out in LSPH's Network Statement. In addition, it is worth noting that the volumes of paths contemplated in the FTAA may meet the volume reopener event trigger as described in the HS1 Passenger Access Terms (“PAT”). Similar provisions exist in the Station Access Conditions for station charges. Given the timing of Virgin's proposed market entry, this exercise will form a key consideration in the Periodic Review 2029 process. Accordingly, LSPH will engage all stakeholders and the ORR to carry out the necessary engagement and consultation for the recalibration of OMRC to ensure the ongoing fair and non-discriminatory sharing of costs. Such events are likely to lead to a significant reduction in costs for all individual operators, as the fixed costs of the HS1 system become divided by a greater number of services and operators. This will represent a positive step change in cost and efficiency for the HS1 system and its users.

Restrictions of Use and the Performance Regime

The FTAA foresees the future calibration of the restriction of use and performance regimes in the PAT for Virgin before service. This will be done with full engagement of all users and the oversight and approval of the ORR. See section 5 below for further detail.

4. The expression of access rights and the consumption of capacity

4.1 Benefits: please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please fully describe any new rights required, as compared to the existing contract (in the case of an amendment). Please also describe any significant changes in the pattern of services, their benefits to passengers and any impact on other operators, including freight operators. Where appropriate, please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application **C&Ps para: 3.11-3.18**.

Establishing Operational Integrity and Financial Viability

Having engaged with prospective operators regarding the entry into new FTAA's, LSPH sought to establish which were able to satisfy paragraph 3.11 (b) of the C&Ps and Annexes 1 and 2 of the ORR's 'Open access guidance: Making a track access application and ORR decision making' relating to operational integrity, and paragraph 3.22 and Annex 1 of that open access guidance regarding financial viability: Making a track access application and ORR decision making' relating to financial viability. All prospective operators were given opportunity to submit evidence to support any claim of operational integrity and financial viability. This evidence was reviewed by an internal expert panel and subject to internal review and governance. It was established that Virgin was the only prospective operator able to satisfy the criteria at that point in time.

Expression of Firm Right of Virgin's FTAA:

London-Paris Service Group

From 1 October 2030 until 31 March 2031 (inclusive):

- 6 paths per day from London St Pancras International Tunnel portal, (outward to Paris);
- 6 paths per day from Tunnel portal to London St Pancras (inwards from Paris).

From 1 April 2031 until 30 September 2031 (inclusive):

- 10 paths per day from London St Pancras International Tunnel portal, (outward to Paris);
- 10 paths per day from Tunnel portal to London St Pancras (inwards from Paris).

From 1 October 2031 until 31 December 2040 (inclusive):

- 13 paths per day from London St Pancras International Tunnel portal, (outward to Paris);
- 13 paths per day from Tunnel portal to London St Pancras (inwards from Paris).

London-Brussels Service Group

From 1 February 2031 until 31 December 2040 (inclusive):

- 4 paths per day from London St Pancras International Tunnel portal, (outward to Brussels);
- 4 paths per day from Tunnel portal to London St Pancras (inwards from Brussels).

London-Amsterdam Service Group

From 1 September 2031 until 31 December 2040 (inclusive):

- 3 paths per day from London St Pancras International Tunnel portal, (outward to Amsterdam); ¹
- 3 paths per day from Tunnel portal to London St Pancras (inwards from Amsterdam).

¹ These services will become contingent rights in the event of the total number of outward services from all users exceeds 42 on a given day. This corresponds to a small number of days that EIL currently holds 16 outward paths from St Pancras. This contingency ensures the train path entitlement meets station capacity.

Stopping Pattern: All services described above will only call at London St Pancras International on the HS1 network.

Seasonal Variation of paths: None.

Turnaround times: As per HS1 Train Planning Rules.

Socio-economic Benefit of Rights:

In 2020 LSPH commissioned independent WebTag analysis to quantify the socio-economic value of all international services on the HS1 route.¹ This is HM Treasury's standard for quantifying socio-economic benefits from transport. It indicated that international services deliver £281m per annum in socio-economic benefits in 2020 prices (p.18). This figure inflated by RPI totals **£385m** in today's values. This assessment was based solely on Eurostar's 2019 service level. Virgin's services, as described in this Form P, represents an 80% uplift on that international use (i.e. Virgin 14,640 in 2032 paths v EIL 18,388 in 2019). Accordingly, Virgin's service proposals reflected in the draft FTAA deliver an estimated **additional socio-economic benefit of £308m** in today's prices.

The rights requested will enable the delivery other socio economic benefits, such as:

1. significant high quality job creation across both the UK and EU to deliver the proposed services;
2. the creation of additional UK and EU jobs to support the ongoing associated maintenance and logistics services;
3. the support of local supply chains;
4. investment in skills and training;
5. the increase in competition and the support of wider modal shift, providing a compelling alternative to road and air and the decarbonisation of the pathways between the UK and EU; and
6. the active engagement with stakeholders to deliver long term value for passengers, the communities that are served and the wider economy.

¹ (source: <https://stpncras-highspeed.com/wp-content/uploads/2020/03/delivering-for-britain-and-beyond-the-economic-impact-of-hs1-march-2020.pdf>)

4.2 Adequacy: please set out how the applicants have satisfied themselves that there is enough network capacity for the services in the proposal. Please also set out whether there are any implications for overall network performance and HS1 Limited's maintenance and renewal activities **C&Ps para: 3.11.**

LSPH has undertaken a timetable development and performance assessment of Virgin's proposals in keeping with the LSPH capacity allocation process.

LSPH is confident that Virgin's request meets the requirements of paragraphs 3.11(a) and (c) of C&Ps in terms of network capacity, reliability, access for maintenance and renewal activities, and avoiding conflict with other access rights. Below is a summary of the process LSPH has followed to arrive at this conclusion.

LSPH Expert Assessment of Timetable Request and Performance Impact

In fulfilment of paragraphs 3.11(a) and (c) of C&Ps, LSPH requested NRHS, who operates the HS1 route and its timetable on LSPH's behalf, to expertly establish whether there is sufficient capacity on the HS1 route to meet Virgin's request of 29 January 2026 in full compliance with the HS1 Network Code, the HS1 Train Planning Rules, the C&Ps and the Regulations. Additionally, LSPH pre-emptively requested NRHS to produce a Specimen Timetable in anticipation that the ORR may require this for its approval as envisaged in paragraph 3.24 of C&Ps. This will be shared with the ORR.

Accordingly, LSPH has undertaken a multistage, expert and progressive assurance of the matters referred to in paragraphs 3.11 (a) and (c) of C&Ps, this has included:

- i. LSPH's own internal assessment of capacity;
- ii. Virgin's own internal capacity studies and its own external validation;
- iii. Independent expert assessment (Rail Aspects) undertaking an initial timetable and capacity assessment of the Virgin request on behalf of NRHS;
- iv. Network Rail System Operator's (the deliverer of HS1 timetable today) review and assurance of the Rail Aspects' assessment;
- v. Formal approval by NRHS' Safety & Capacity Assurance Review Panel (SCARP);
- vi. Approval by LSPH/NRHS Mobilisation Board; and
- vii. Approval of the LSPH Board.

Expert Impact Assessment on Timetable

LSPH's independent expert assessment, validated by the Network Rail System Operator, concluded:

"Key Findings

The specimen timetable has proven there is sufficient spare capacity to accommodate the inclusion of the Virgin proposed service, while still accommodating the existing rights of SET[L], Eurostar and freight services.

The inclusion of the Virgin services does have an impact on timetable slots used by existing operators, these range from small flexes to services to shifting of paths into regularised slots, in line with the HS1 [Network] Code and the Decision Criteria for the handling of such scenarios.

[...]

The increased service does not preclude running daytime freight paths, but doing so requires flexing paths from the notional catalogue of paths, looping freight trains in both HS1 loops and subsequently extending freight journey times.

A timetable which contains zero Timetable Planning Rules conflicts on HS1 infrastructure is still achievable with the increased level of train paths.”

(Extract: ‘Rail Aspects Limited Report: HS1 Timetable Capacity Assessment’)

Expert Impact Assessment on Performance

LSPH’s independent expert assessment, validated by the Network Rail System Operator, concluded:

“Our analysis finds no show-stopping or major performance risks. The proposed services are feasible from a planning perspective, and corresponding capacity utilisation calculations indicate that utilisation will remain well below the “Moderate” level with significant spare capacity available, especially compared (for example) to most domestic main line routes.”

(Extract: ‘Rail Aspects Limited Report: HS1 New Operator Operational Performance Risk Assessment’)

NRHS, Safety and Capacity Assurance Review Panel (SCARP)

SCARP commented as follows:

“SCARP’s assessment of Virgin’s application, subject to the continuing validity of the inputs and assumptions upon which it is based, is that there are no known concerns impacting areas that NRHS has responsibility for, or non-compliances with the ORR C&Ps, that would prevent LSPH from entering into a mobilisation FTAA with Virgin. The assessment to date has identified a range of issues across these areas that will need to be addressed or mitigated between now and when Virgin [...] begin operating trains on HS1. These are highlighted where appropriate within this letter and are listed in the attached requirements register. SCARP considers all of these to be within the normal scope of preparation activity for the implementation of a major change such as the introduction of a new operator to a main line railway.”

(Extract: ‘Safety & Capacity Assurance Review Panel – Assessment of access rights application by VTE Holdings Limited (Virgin)’)

Network Rail System Operator (NRIL SO) - Quality assurance statement for rail aspects HS1 Timetable Capacity assessment

“The study by Rail Aspects assessed HS1 capacity by developing a specimen timetable reflecting all existing operators’ firm contractual rights, overlaid with the rights requested by Virgin, supported by Capacity Utilisation Index analysis. The assessment found that sufficient spare capacity exists to accommodate Virgin’s proposal alongside all existing Southeastern (SETL) and Eurostar (EIL) firm rights, while still achieving a Timetable Planning Rules (TPR) compliant timetable on HS1 infrastructure. [...] Overall, the findings demonstrate that there is capacity for Virgin’s proposal on the HS1 network.”

International Zone Impact Assessment

As the Station Facility Owner of the International Zone and Infrastructure Manager, we commissioned an independent expert assessment of whether today’s International Zone would meet the capacity requirement of the specimen timetable. Presuming extraordinary passenger demand, i.e. all trains were 100% full of passengers, the independent expert assessment found:

"In principle, a Virgin and Eurostar specimen timetable can be accommodated within the existing International Zone (IZ) infrastructure."

(Extract: St. Pancras International Station, 'Study to assess the impact of a NRHS specimen timetable combining Eurostar and Virgin firm rights')

International Timetable Coordination

All timetable validation work has been carried out in full compliance with paragraph 2.10 of the C&Ps, which highlights LPSH's obligations on developing an international timetable which requires seamless transition with Eurotunnel and to be cognisant of constraints on other international railways. Accordingly, NRHS has ensured compliance with the established catalogue of four international paths in each direction, two coordinated between London/Paris and two coordinated between London/Benelux destination, as they are today. No operator holds a framework agreement on any other infrastructure for routes covered by the draft FTAA.

4.3 Specified equipment: please give full details of any changes to specified equipment (rolling stock), including timescales, and how much of the vehicle and route acceptance procedure in the HS1 Network Code (Part F) has been completed. Please explain whether you have, or will have, the rolling stock necessary to exercise the rights being sought.

As indicated in 3.2 above, in line with ORR precedents, the parties have agreed not to specify 'the specified equipment' at this time. The agreement sets out 'a condition precedent' to ensure the eventual specified equipment is fully HS1 route compliant.

LSPH is satisfied that there is sufficient time before start of operations to undertake the vehicle and route acceptance procedure, as envisaged by the HS1 Network Code, subject to rolling stock manufacturers honouring delivery and homologation timelines outlined in operational integrity submissions.

4.4 Franchise obligations: please explain the extent to which the services in the proposed amendment are necessary to fulfil obligations under a franchise or concession agreement **C&Ps para: 3.34.**

No service under this agreement is necessary to fulfil obligation under a franchise or a concession agreement.

4.5 Public funding: please state whether (and if so to what extent) the services in the proposed amendment are subject to financial support from central or local government (other than the Department for Transport or Transport Scotland), and provide a point of contact at that body. **NB: this applies to GB operators only.**

No service under the proposed FTAA is subject to financial support from central or local government.

4.6 Consumer organisations: please state whether (and if so to what extent) the services in the proposed contract have been discussed with Passenger Focus and London TravelWatch, and any other relevant consumer body, whether domestic or international, and provide copies of any relevant correspondence.

In consultation with ORR and in line with precedent of similar applications, in order to preserve the commercial confidentiality of Virgin and the specifics of their proposition, a full consultation subject to the parameters established in the C&Ps will begin on submission of this Form P, including to parties listed in this 4.6. All responses will be made available to the ORR for its review and a summary will be made available on the LPSH website for public scrutiny.

5. Incentives

5.1 Charges and performance: please set out, and explain the reasons for, any instances where the proposed contract departs from the charging and/or performance regimes established by ORR's periodic review of charges as reflected in HS1's template framework agreement, including the financial implications (e.g. establishment of an access charge supplement or rebate) **C&Ps chapter 4.**

Virgin will be subject to the LSPH charging and performance regimes on a fair and non-discriminatory basis. Given the timing of Virgin's proposed commencement of services, LSPH anticipates addressing required changes to the charging and performance regimes in the period ending with the ORR's Periodic Review 29 (PR29) process. Any subsequent adjustments to the PR29 settlement triggered by VTE's commencement of services (e.g. to re-open charges or performance regime parameters) will be per the approach agreed and contractualised as part of PR29.

Hence, it is fully anticipated in the agreement that fair and non-discriminatory charging, restriction of use, and performance regimes will be developed before services are operated. In line with ORR precedents for mobilisation FTAA's of this type and section 5.8 of the C&Ps ("Unfinished business"), the draft FTAA creates the contractual mechanism for achieving this. The eventual settled charging, restriction of use, and performance regimes will be subject to ORR approval as and when required.

5.2 Train operator performance: please describe any planned initiatives associated with the operation of the services in the proposed contract aimed at improving the train operator's own performance.

As 5.1 above.

5.3 HS1 Limited performance: please describe any planned initiatives associated with the operation of the services in the proposed amendment aimed at improving HS1 Limited's own performance.

As 5.1 above.

5.4 Performance regime issues: where applicable, please provide justification for any changes to Section 8 of the PAT in the proposed amendment. If necessary, please provide any relevant information in support of the changes proposed.

As 5.1 above. Section 8 in the PAT will not change. Clause 7 of the FTAA provides a mechanism for establishing the weightings, benchmarks, thresholds and payment rates Section 8 requires to establish performance payments between the parties that apply during the operating period.

6. Other

6.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or future applications to ORR (i.e. in respect of other track framework agreements).

N/a

6.2 Supporting information, side letters and collateral agreements: please:

- state here any relevant information in support of the application, including a list and explanation of any other material being submitted (and supply copies with the application) **C&Ps para: 5.17.**
- confirm here that the whole of the proposed contract between the parties has been submitted with this application and that there are no side letters or other documents which purport to qualify or otherwise affect the proposed access contract **C&Ps para: 5.17.**

1. The Cost Recovery Agreement between Virgin and LSPH of 10 August 2023.

6.3 Confidentiality exclusions: please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the proposed contract sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application and proposed contract you want us to exclude from publication **C&Ps paras 2.26-2.30.**

Names, signatures and contact details of individuals as indicated in this Form P and the signatories of the FTAA on ORR approval.

Certain dates pertaining to the satisfaction of conditions precedent and financial values, each on the basis of commercial confidentiality considerations.

Note: The remainder of this application should not be completed until after a pre-application consultation has been carried out.

7. Details of the pre-application consultation

7.1 Please confirm here that a pre-application consultation has been carried out in line with the C&Ps. Please:

- state who conducted the consultation, and the period allowed for it (if less than 28 days, explain the reasons for this); and
- list all parties which were consulted, stating which parties, if any, made representations (other than nil returns) in response and attach their responses and any associated documentation to this form.

If a pre-application consultation has not been carried out, please explain the reasons and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised **C&Ps paras 2.35-2.80**.

In order to protect the commercial confidentiality of the applicant, a pre-consultation was not carried out. This is in line with ORR precedents on similar track access applications. Instead, LSPH and Virgin launched the Industry Consultation on the submission of the original Form P and draft FTAA to the ORR on 24 April 2026 and conducted an extended consultation period with more than one round of submissions and responses in order to ensure that all issues could be aired, and, where possible, addressed. The consultation documents, which included the redacted Form P as well as a redacted FTAA, were sent to all interested parties by email as described in 2.40 of ORR C&Ps. These documents were also made available on the LSPH website at the same time. (See link below)

LSPH oversaw and coordinated the consultation response process. To protect the commercial confidentiality of operator consultees, LSPH agreed that consultation responses from these parties would only to be seen and responded to by LSPH, unless they pertained to operational matters to which only Virgin could respond. No such operational matters arose during consultation, so Virgin has not seen any submissions from any operator consultee that may become a direct competitor.

In total consultees were afforded 62 days to consider the documents and raise issues, over two rounds of consultation alongside meetings with parties where requested. 18 consultees responded in the first round of consultation, and five in the second round.

ORR has had full visibility of all consultation submissions and LSPH's and, where appropriate, Virgin's responses. To this end, LSPH and Virgin made two submissions to the ORR sharing those consultation responses. The first on 19 June 2026, sharing originals of all the initial consultation responses received, as well as LSPH's, and, where appropriate, Virgin's response to every point raised. Consultees received responses to those consultation submissions they made, at the same time as the ORR received the totality of all submissions and responses from the first round. All participants were invited to submit further consultation responses. The second-round responses and submissions were made to ORR and participants on 15 July 2026 on the same basis as the first round.

To ensure openness and transparency of the process, balanced against the obligation to protect confidentiality of participants, LSPH published two summaries of the consultation submissions and responses online. These summaries were shared with the ORR, to permit assurance that they were a fair and reasonable account of matters to which ORR had full visibility. Summaries are available here: <https://stpancras-highspeed.com/our-company/regulatory/consultations/>

7.2 Resolved issues and changes to the application: please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes to the application which have occurred as a result of the consultation **C&Ps paras 2.69**.

A consultee highlighted a discrepancy in the draft FTAA between the start date and number of outward and inward rights in Table 2.1, which did not align to those outlined in the original Form P. Both parties acknowledged and agreed this was a drafting error. After discussion with the ORR, the draft FTAA has been re-published aligning the draft FTAA to the rights outlined in the Form P.

Comprehensive summaries consultations are available here: <https://stpancras-highspeed.com/our-company/regulatory/consultations/>. This includes resolved matters.

7.3 Unresolved issues: please set out any issues raised by consultees that have **not** been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you do not think these issues should not stop ORR approving the application.
C&Ps paras 2.69

Comprehensive summaries of the consultations are available here: <https://stpancras-highspeed.com/our-company/regulatory/consultations/>. This includes unresolved matters. LSPH's and, where appropriate, Virgin's responses have been shared with the ORR in the two submissions above.

In summary, the majority of the consultation respondents was supportive or neutral to the application and three parties objected. LSPH took those objections seriously, and in light of them, LSPH ran an extended consultation exercise, involving both meetings and two full rounds of detailed consultation responses, as described above. In that consultation exercise, we sought to address every issue raised by all consultees, and where appropriate, committed to mitigations to address issues raised. Unfortunately, LSPH has been unable to resolve or mitigate the objectors' arguments to their satisfaction and their objections consequently remain.

On 25 July 2026, Virgin signalled its desire to LSPH to proceed with ORR approval, as set in in paragraph 2.57(b)(i) of the ORR C&Ps, namely to submit the application to the ORR for it to consider the issue[s] and determine the outcome.

8. Certification

Warning: Under Regulation 37 of the Regulations, any person who, in giving any information or making any application under or for the purposes of any provision of the Regulations, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution **C&Ps paras 5.18.**

I certify that the information provided in this form is true and complete to the best of my knowledge and that the facility owner and the beneficiary are willing to enter into the attached contract as submitted

HS1 Limited (T/A London St Pancras Highspeed)

Train Operator

Signed:

[Redacted Signature]

Signed:

[Redacted Signature]

Date: 29 July 2026

Date: 28 July 2026

Name (in caps):

[Redacted Name]

Name (in caps):

[Redacted Name]

Job title:

[Redacted Job Title]

Job title:

[Redacted Job Title]

For (company):

9. Submission

9.1 What to send: Please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or documents) and any other attachments, supporting documents or information **C&Ps paras: 2.31-2.34.**

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail or on disc, in plain Microsoft Word format (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting) **C&Ps paras: 2.31-2.34.**

9.2 Where to send it: Manager, Track Access Team
Office of Rail and Road
25 Cabot Square
London
E14 4QZ

ORR HS1 Passenger Form P June 2020