London St Pancras Highspeed (LSPH) and VTE Holdings (Virgin) **<u>Further</u>** Responses
to Virgin FTAA Consultation Further Submissions – **15** July 2026

Summary of Consultation Responses

LSPH received five further submissions to the consultation. All parties maintained their existing status of support, neutrality or objection, apart from one that clarified its neutrality. LSPH had previously recorded this as support.

There were three further submissions from existing or prospective operators and two further submissions from adjacent infrastructure managers or national governments.

Existing or prospective operators

- One respondent from this group maintained that LSPH's process was non-compliant with the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016. It argued that LSPH should have invited and assessed all other operators alongside Virgin's application, rather than relying mainly on existing contractual rights and applications.
    - LPSH rejected this. It confirmed its Network Statement identifies the ORR Criteria and Procedures as the applicable framework; all operators could apply; applications were assessed under published criteria; and commercial confidentiality necessarily limited what could be disclosed. LSPH distinguished between existing contractual rights considered for operational compatibility under paragraph 3.11(c) and sufficiently firm future aspirations considered under paragraph 3.12.
    - LSPH confirmed that the publicly announced rolling-stock plans of an operator which did not detail the corresponding HS1 capacity sought, did not constitute an application for or provide a sufficiently firm expression of aspirations for additional HS1 capacity.
- One respondent from this group stated that it intended to make a further FTAA application and challenged LSPH's view that this should be treated as subsequent to Virgin's application while the Virgin FTAA remained unapproved by the ORR.
    - LSPH confirmed it welcomed and would process any new application. However, having already agreed and submitted the Virgin Form P, LSPH considered it was duty bound to regard the corresponding capacity as effectively reserved pending ORR approval since LSPH was obliged to enter into the Virgin FTAA if approved by the ORR. LSPH acknowledged that the ORR could resolve not to approve the FTAA and decide that alternative access requests should be considered as competing ones, in which case LSPH would follow the relevant criteria in the ORR C&Ps.
- One respondent from this group criticised the consultation timetable.
    - LSPH replied that all participants had 62 days from launch to the original further-response deadline. LSPH said the process must now conclude for the ORR to determine any remaining objections.
- One respondent from this group repeated concerns about the specimen timetable, flexing, same-category priority decisions and the failure to model future operator plans.
    - LSPH maintained that the specimen timetable was illustrative, used existing firm rights as required for the compatibility test, and that future bids and any flexing would be handled under the HS1 Network Code, its Decision Criteria therein, and Code-based and regulatory appeal arrangements if disputed.
- One respondent from this group challenged the performance analysis, arguing that increased traffic would reduce recovery margins and increase exposure to late presentation from the Continent.

  - LSPH confirmed the Rail Aspects work expressly recognised late presentation as the largest performance risk, assumed historic continental performance patterns and proposed enhanced joint working, contingency arrangements and better predictive visibility as a mitigation.

One respondent from this group disputed the International Zone assessment and the conclusion that it could cope with anticipated passenger numbers that would result from the access LSPH was granting.

  - LSPH confirmed the study was undertaken by Result, an associate of Active Thinking, and stood behind its empirical modelling and stated assumptions. It maintained that the Virgin FTAA was not dependent on StEP and rejected claims that the datasets or conclusions were false,

- One respondent from this group also raised charging and cost-efficiency points concerning the Network Rail High Speed operator agreement.
  - LSPH said these were not relevant to the capacity-allocation consultation and could instead be considered through the periodic review process.
- One respondent from this group sought assurance on Virgin's stabling.
  - LSPH reiterated that depot choice is a matter for operators and that the specimen timetable assumed empty stock movements to and from Temple Mills.
- One respondent from this group asked that any reinstatement of the international zones at Ebbsfleet and Ashford should not be funded from station escrow arrangements.
  - LSPH said the historic user was subject to make-good requirements on exit and that future works and funding would be considered with operators, ORR and the Department for Transport, including through the 2029 periodic review.
- One respondent from this group requested a commitment to a second lift serving its St Pancras platforms.
  - LSPH said it was working with station users, had supplied a cost estimate and funding analysis, and understood station users were considering funding options.
- One respondent from this group supplied further information on its own operational integrity and asked LSPH to confirm that it now met the operational-integrity threshold.
  - LSPH acknowledged receipt and said it would reconvene its operational integrity assessment panel to assess accordingly. LPSH restated that this would not affect the capacity awarded to Virgin subject to ORR approval as, that at the time of the request, Virgin was the only prospective operator that demonstrated it had met the regulatory operational integrity requirement and its resulting access application was now part of the regulatory consultation process.
- One respondent from this group disputed the conclusion that its request could not be considered in parallel with Virgin's and argued that the applications were competing bids requiring a comparison of user benefits and efficient capacity use.
- LSPH replied that Virgin's application was the only prospective application to meet the operational-integrity threshold when assessed and its application had been taken forward accordingly. Additionally, LSPH regarded Virgin's submitted Form P as effectively reserving capacity pending the ORR's decision since LSPH was obliged to enter into the Virgin FTAA if approved by the ORR. It said applications that had reached the required assurance threshold could not be deferred while others subsequently sought to meet the same threshold.

Adjacent infrastructure managers

- One respondent from this group supported market growth, cooperation between infrastructure managers and correction of the discrepancy in service start dates in the draft FTAA. It nevertheless maintained that LSPH's operational-integrity decision and capacity allocation had not been coordinated with adjacent infrastructure managers.

LSPH said differing national regimes and assurance thresholds meant end-to-end firm rights could not necessarily be aligned concurrently. It maintained that the 2016 Regulations require coordination, but not matching awards by every infrastructure manager, and noted that the Virgin allocation remained within the four coordinated hourly international paths which relevant infrastructure managers had resolved to allow the operation of. LSPH said the Virgin application must now be allowed to run its regulatory course.

- One respondent from this group said it considered both Virgin and another prospective operator had viable depot plans and should receive equitable capacity rights for the same periods.
    - LSPH disagreed, noting that its expert panel had found only one operator had demonstrated a developed and viable depot solution on the evidence then supplied.
- One respondent from this group objected to timetable validation being undertaken without a fully coordinated cross-Channel framework.
    - LSPH replied that the ORR Criteria and Procedures required the assessment and that validation was prudent given the contractual and liability risks associated with granting firm rights.
- One respondent from this group clarified that it remained neutral: it did not oppose a framework agreement that could support more rail services, but retained strong reservations about volumes not having been coordinated among infrastructure managers. It requested full cooperation on future capacity allocation elsewhere.
    - LSPH recorded the party’s status as neutral, confirmed that its full responses had been shared with the ORR and reiterated that LSPH was required to process an operator's request rather than wait for adjacent allocation processes to align. LSPH committed to continued capacity coordination and engagement.