NetworkRail

System Operator

Great British Railways' Access and Use Policy

Discussion paper

Annex 1 – Capacity allocation

Contents

1 Overview

This annex expands on the proposed policy concepts outlined in the discussion paper of the capacity allocation process – retaining an agile, reactive approach responding to applications received at any time, in the context of a new proactive approach of developing Infrastructure Capacity Plans.

Currently, capacity allocation occurs both when access rights are approved in contracts and during timetable production. We focus here on how, by integrating those elements into a structured decision framework, GBR could work to get more value from the network, optimising all decisions about the mix of uses. The paper builds an outline for a new transparent, strategy-led process that is intended to encourage early engagement from all industry partners, applies consistent evaluation criteria in line with the statutory duties, and resolves issues through transparent analysis – ensuring fair treatment of all operators to get the best mix of use across the UK.

Flexibility remains essential to value: we consider how reactive mechanisms can continue to support freight, charter, and emerging passenger needs outside long-term planning cycles. It leaves the timetable production process largely unchanged, only envisaging adjustments that are needed to reflect the new allocation processes within the AUP.

This approach has been shaped through ongoing engagement with industry partners, who emphasise the need for transparency, predictability, and alignment with strategy. So, there's specific focus on how to link strategy more closely with train service outputs, which has been a recurring theme in our engagement. We also consider how the AUP could manage more tactical change with agility.

1.1 Statutory duties shaping the process

In addition to the overall duties that apply to GBR, governments and the ORR, the Railways Act sets some specific requirements for how GBR manages capacity allocation, which influence how we'll design the Access and Use Policy.

1. **Structured decisions:** GBR is required to set out plans for the use of railway capacity, which are referred to in this discussion paper as capacity plans. It is required to set out procedures and criteria for allocation decisions, which can be discharged through a policy that provides defined stages and decision points.
2. **Transparency and consultation:** wider public law and specific bill provisions mean GBR will be required to publish and consult on its policies, processes, and criteria for capacity allocation.
3. **Certainty and support to invest:** GBR's overall duties include taking account of operator and funder needs to plan and therefore invest. Because of this, policies need to be designed to give reasonable certainty for businesses, through contractual rights as well as transparent and predictable processes and criteria on which GBR will make decisions.
4. **Timetable production:** GBR must produce a working timetable and will set appropriate timescales and durations for timetables. It must invite applications, and its policies must cover how engineering works are planned, how international train paths are included in timetables and how unplanned

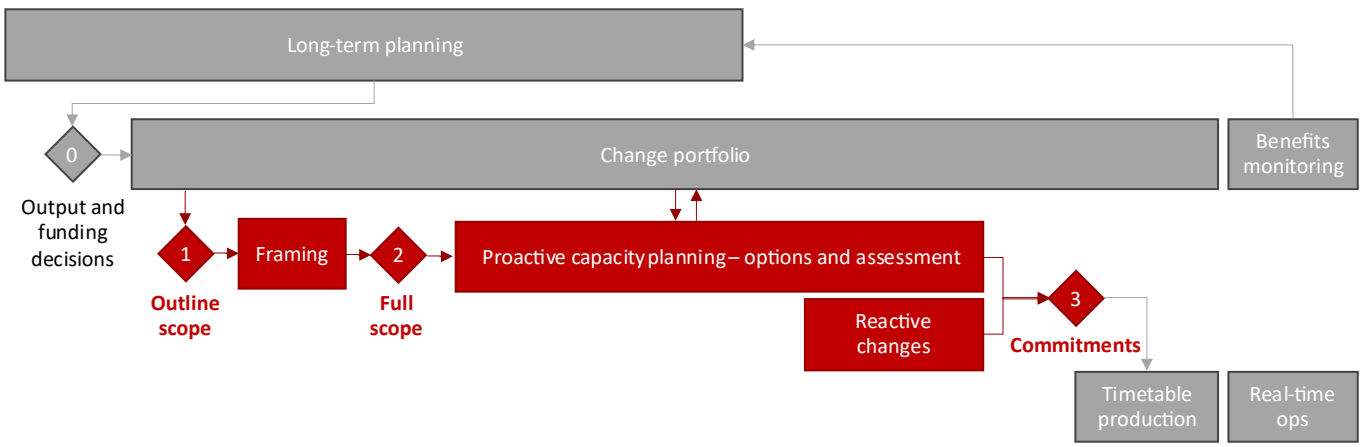
disruption is managed. We expect a future GBR policy will deal with such issues through contracted obligations (as now) to provide clear rules enforceable by contract.

5. **Appeals and disputes:** GBR's decisions about allocating longer term uses of capacity to uses and industry parties will be subject to a robust independent ORR appeals mechanism set out in the Act. GBR must also set out how contractual disputes are managed. This could retain a similar approach to today's independent committee arrangements, with an ultimate recourse to the ORR once contractual mechanisms have been exhausted.
6. **Fair access to facilities:** GBR will be required to provide fair and non-discriminatory access to its stations, depots, and service facilities, which will remain subject to the rules set out in the Access and Management Regulations.

2 Capacity allocation

This section covers our developing thinking on both the reactive and proactive routes to capacity allocation – the two ways for third parties to get access to the network and for GBR to allocate capacity to its own services. They sit within an end-to-end context of long-term planning and daily operational delivery, shown in Figure 1. These wider processes mean capacity allocation can be consistently strategically driven as well as agile to accommodating change.

Figure 1: The proactive and reactive capacity allocation processes governed by the AUP are shown in red, set in the wider strategy, planning and delivery context in grey.



Requests for capacity can be made at any time and will be assessed by GBR in order to make a contractual commitment to a third party. The intention is for the capacity plans arising from proactive planning to designate capacity to a specific mix of uses, from which commitments can be made contractually to third parties or internally to GBR, and which then support quicker reactive assessment of ad hoc requests. Commitments would be tied into access contracts and the contractually codified timetable production as they are today. All allocations would be treated equally – the planning process having ensured that the network is not overcommitted, and all changes in uses are based on a thorough understanding of value.

2.1 Proactive capacity allocation

The proposed proactive process would introduce three clear decision points, shown in Figure 1, to structure the assessment of trade-offs within constrained capacity. The process for determining changes to use of the network will follow a staged approach, designed to narrow choices in a structured way and identify conflicting uses early. For each decision, GBR will need to show that industry partners' aspirations and impacts on current and future users have been identified and assessed, with clear reasons where proposals are rejected or amended. Governance and transparency are central, ensuring decisions are evidence-based and stakeholders can influence progress and see how trade-offs were considered.

Scoping capacity decisions

The first step being proposed sets the outline scope for a new capacity plan (Figure 1, decision point 1). This identifies critical success factors, which are the essential conditions for delivering the strategic intent of funders, and confirms proposed dates and geographical scope. At this stage, the decision is about why the mix of uses should change, with a description of the key outputs needed to secure investment value. These changes are likely to come from GBR's long-term planning for the rail network or requests from industry partners. GBR will need to demonstrate scoping decisions are well-evidenced, drawing on consultative and collaborative work undertaken as part of long-term planning.

To frame the decision in the context of the wider industry, GBR would then invite feedback on the outline scope from industry partners and their related capacity requests. Framing includes assessing requests against the critical success factors and a clear consideration of economic value, alongside deliverability and strategic fit. The applications process and assessment should seek to give industry partners a clear route to integrate their proposals into long-term rail planning, with a strong emphasis on ensuring good ideas with social and economic value and, where possible, private investment can progress.

Successful applications that demonstrate sound economic benefit will be taken forward into the full scope, providing they could be delivered alongside the critical success factors. Drawing on existing rail planning methods, the proposal is to adopt these aspirations as contingent outputs in the full scope (Figure 1, decision point 2). These outputs represent additional benefits from industry partners or GBR services that should be delivered, if possible, within the capability and capacity of the network. This approach recognises that there will be various service proposals that deserve development and testing, but not all will be achievable on a congested railway.

Assessing the options

Capacity planning then enters a period of consultative development and assessment. Service options would be developed to deliver the critical success factors and one or more of the contingent outputs. In assessing economic value of options, GBR will apply standard government appraisal guidance, which provides a recognised framework for evaluation and is well understood in the transport sector. Where appropriate, this may be supplemented by bespoke analysis to capture freight benefits fully. Using established methodology ensures proposals will be assessed consistently and fairly, while allowing flexibility to recognise wider benefits. Each option will be tested for feasibility, strategic fit and economic factors. The best options will be refined with industry partners to capture as much value as possible. The outcome is a capacity plan that works in practice, reflects industry ambition, and makes the most of every opportunity for growth, efficiency and investment.

Further work is needed to define the appropriate governance structure to support this process, including the key roles accountable and responsible for decisions, oversight and how industry partners will be involved in influencing, testing and providing input. More detail is also required on the information that should be supplied at each stage, so that expectations are clear and consistent.

2.2 Reactive capacity allocation

Reactive capacity allocation is the other route for GBR and industry partners to seek new or amended access to the network. While capacity planning is designed to manage fundamental, forward-looking changes to the overall mix of services, there must also be a responsive system that allows for more agile decisions.

Applications to run services should be welcome at any time and assessed by GBR through a clear and consistent process – not relying on meeting the timescales of proactive planning. The first step should be to confirm that proposals are credible, for instance whether the applicant can mobilise and rolling stock is likely to be available. The next step should assess against existing commitments, network capability and the impact on performance, ensuring that funders' targets can still be met with confidence.

GBR should invite industry partners to submit alternative proposals that could make use of the available capacity, to ensure best use. Wherever there are competing requests, they should be assessed to establish the relative strategic, social and economic benefits each proposal could deliver, and potential financial impacts on public funds. Reference to existing capacity plans would also consider any ongoing priorities identified in plans.

Just as with proactive planning, standard government transport appraisal guidance will be the core of economic analysis in reactive applications. Appraisals should be developed further with industry partners to explore any additional approaches that can be used to reflect public benefit. The overall process should be designed to encourage private investment and must support the strategic direction set by government on private freight growth or in respect of private passenger services.

It will be important to strike a balance between reactive and proactive decisions. Committing capacity against a specific capacity request will often be the right thing to do. In many circumstances, it may be more appropriate to consider a request as part of more detailed capacity planning to assess new ideas and proposals against each other and wider strategic goals. Particularly in GBR's early work, capacity requests may result in both a reactive change to current use as well as contribute to the scope of a longer-term proactive plan.

2.3 Interaction with short-term planning

The AUP needs to work with a train service that is constantly evolving. Freight and charter markets can request access through the short-term planning process, which take effect quickly without specific contractual rights to those services – these are heavily relied on to meet customers' demands. These kinds of shifts will rarely impact the decisions recorded in capacity plans, the assumptions made, or the value sought by individual plans.

We are not proposing to change the short-term planning processes in place today. These mechanisms are responsive to ad hoc capacity requests and are a vital source of flexibility for some operators, and particularly the rail freight sector, where the marketplace is dynamic, and operators need to be able to respond to commercial opportunities that arise.

We expect most short-term planning will continue to be assessed only against the Working Timetable, because it won't be practical or necessary to refer to capacity plans when making changes that are only valid until the end of that timetable period. For certainty beyond that, what's needed is a policy that's both flexible and scalable. GBR should be able to respond to both short-term changes and ad hoc access requests without revisiting an entire capacity plan but with a proportionate degree of assessment.

3 Upstream supporting processes

This section explains how we think GBR's long-term planning responsibilities could shape the scope of capacity plans, aligning with national and devolved strategies and enabling changes in use to be coordinated across the network.

3.1 Strategy and long-term planning

Long-term planning and funding decisions are not governed by the AUP (as shown in Figure 1), but they are integral to the overall planning framework. Long-term plans frame the decisions and trade-offs funders need to make about the role of the railway in the wider economy, and help broker solutions about how best funders can achieve high-level outcomes from rail. They will be led collaboratively by GBR and public and private funders, including devolved governments and Mayoral Strategic Authorities, requiring negotiation and alignment across multiple decision-makers.

We expect long-term and capacity planning processes to be iterative to some extent where funding isn't yet certain. As strategic options are evaluated and discussed with funders, clearer direction will enable GBR to integrate potential changes in capability across the network, indicate potential future capacity plans that will be required, and encourage unconfirmed investments to come forward, for example, in freight growth, rolling stock, or from devolved bodies.

Capacity planning will adopt the outputs of long-term plans as the core of capacity allocation – the critical success factors for planning. This ensures capacity allocation decisions are aligned with strategic intent, infrastructure capability and investment trajectories. Any third party may have their capacity requirements translated into a critical success factor, either because they are funding the change or because it best delivers the strategic outcomes sought by other funders.

Working with industry partners

In England, long-term planning will mean, at a minimum, having regard for the Local Transport Plans of Mayoral Strategic Authorities (MSAs) to support coherent, place-based outcomes and ensure capacity plans are responsive to the needs of the communities they serve. GBR will work in active partnership with MSAs to identify investment opportunities that align with their strategic goals – such as improving

regional connectivity, supporting housing growth, or enabling modal shift. This approach could be equally true for private funders who want to develop strategic rail studies.

In Wales, GBR will need to have regard to the Welsh Transport Strategy and reflect the priorities of the Welsh Government when setting the scope and critical success factors of capacity plans in long-term work. This will ensure that Welsh priorities are embedded in capacity plans from the outset.

Early engagement from industry partners will be encouraged to help shape the strategic context and ensures that future capacity plans are grounded in shared priorities and deliver coherent, system-wide value, but the AUP will not oblige parties to input into long-term plans, nor require applicants to know or declare their aspirations during this early development.

Early decisions under GBR

Access decisions will respect existing access rights from the start of GBR. They will be held within in a baseline capacity plan that covers the whole GBR network. Strategy will guide GBR's capacity decisions by way of changes to its own service mix based on market conditions and forecasts, the freight growth target – including a disaggregated target for local areas – and the immediate priorities of Government to improve service performance and customer satisfaction.

Mid-term strategy will start to inform capacity planning as GBR evaluates best use over the next 10 to 15 years where there is already a high degree of investment certainty. High Speed 2, Transpennine Route Upgrade and East West Rail make up the large proportion of funding over that time horizon, giving early capacity planning relative stability and geographic focus.

Discussion point:

How best could strategic and long-term planning outputs be fixed early into the AUP so that capacity decisions have the strongest strategic alignment?

3.2 Coordinating change

Effective coordination is essential to delivering successful changes in use. GBR will need portfolio management capability to integrate the four key components of changes to existing and new railway outputs – train service, rolling stock, infrastructure, and operations. This must ensure that changes are planned and delivered coherently across the network, preserving the integrity of capacity allocation. How this happens in practice is an area for development that must run alongside designing GBR's operating model and take account of third parties changing their own assets and operations.

As a network-wide capability, we think the change portfolio (see Figure 1) will play a key role in determining when existing capacity plans will be impacted by change and new capacity plans will be needed, then coordinating their development alongside other elements of change. This includes integrating funded output changes into the scope of capacity plans and managing the scheduling of planning activities. We are proposing that as part of the portfolio, GBR should publish a schedule of upcoming capacity planning activities, analogous to the current Calendar of Events but with greater detail

and strategic context. This schedule will provide early visibility of upcoming planning processes, enabling operators, funders, and other stakeholders to align their aspirations and investments accordingly.

We've developed an archetypical entry, and some examples based on the current Calendar of Events. These would be the early representation of capacity plan activity, containing an indicative critical success factor. They would gradually be developed into an outline scope to give a greater sense of scale and a more detailed set of critical success factors.

- **An archetype entry:** A four-part description of (1) the critical success factor(s) driving the change; (2) a description of the operational area, affected services and boundaries; (3) an intended implementation date and valid duration of the plan; and (4) the dates for the planning activity.
- **Radlett growth example:** With a critical success factor of enabling freight growth and providing network capacity for freight trains to serve the new Strategic Rail Freight Interchange at Radlett, a capacity plan could indicatively commence in late 2028 covering the Midland Main Line south of St Albans City, and the Dudding Hill Lines including Acton Wells, when growth exceeds current capacity, with a view to a timetable change in 2030.
- **TfL Windrush Line example:** With a critical success factor of enabling a passenger service increase on the TfL Windrush line, with potential implementation from May 2029, a capacity plan covering the Windrush line (TfL and NR Infrastructure), along with specific components of Southeastern, GTR and Freight service geography, could indicatively commence in early 2027.

This isn't a one-to-one relationship. Some changes will need to be split over several capacity plans, for example to respond to the High Speed 2 and Northern Powerhouse Rail configuration states. Others would be joined into the scope of one plan, such as a line-speed upgrade within the same geographic area.

The planning schedule would be maintained and published as part of the change portfolio, offering stakeholders a visible and predictable framework for engagement. It could be published quarterly like today's Calendar, or be kept as a live record. We think a change portfolio would help distinguish between changes that require proactive planning and those that can be accommodated or change controlled against existing plans. This would help maintain agility in the system while still supporting strategic planning where appropriate. Further input from stakeholders will be important to test whether this balance is right between responsiveness to changing demand and long-term stability.

Discussion point:

Is this planning schedule adding as much value, stability, and transparency as possible at this early stage of change?

4 Capacity planning scope

This section sets out how capacity plans will be scoped, from defining the critical success factors of the change and coordinating across other service areas and infrastructure, to the scope of governance and engagement, analysis and evaluation.

4.1 Outline scope

Each capacity plan should begin with the publication of an outline scope, setting the foundation for appropriate governance, engagement, planning and evaluation. It would build greater detail in the four key pieces of information originally show in the planning schedule: the service area being considered, the critical success factors driven by strategic work, the wider network requirements for long-distance markets, and the timescales of both the planning work and the final output.

Publication would serve to notify current and potential users of the network that GBR is calling for their capacity needs or aspirations relating to an area. The AUP could set a minimum period between publishing an outline scope and starting the new capacity plan to give external parties time to consider and request capacity is included in the full scope. The AUP should commit GBR to publishing all scopes in a single place, readily available alongside current capacity plans.

Taking each area of scope in more detail:

1. Service area

Having coordinated changes across the network, GBR can set a clear area of the network that each capacity plan will consider. This should include any boundary assumptions with neighbouring parts of the GBR network and any relevant infrastructure managers, so that each plan is coherent with others. This is an important area for policy and GBR design development. The AUP should include protocols for managing interfaces with adjacent infrastructure managers, and the outline scope should contain any factors specific to the plan.

2. Critical success factors

This stage would serve to establish the strategic purpose of the change and capacity plan upfront as critical success factors that will be part of evaluation, so that funders and devolved authorities have confidence in capacity decisions that happen in the later planning stages. Critical success factors ensure strategic alignment to the outcomes GBR must deliver against its funding – such as improved connectivity, modal shift, or freight growth – and anchor the options and evaluation in a consistent view of long-term value determined by upstream decisions by funders. They might include:

- Service level targets (e.g. number of long-distance/freight paths per hour).
- Connectivity goals (e.g. linking economic hubs or underserved areas).
- Infrastructure utilisation (e.g. maximising return on investment).
- Policy alignment (e.g. supporting decarbonisation or regional development).

Further work is needed to define how critical success factors are selected, how they relate to contingent outputs, and how they are used in evaluation and decisions.

Discussion point:

What level of detail should the AUP contain about how critical success factors are defined?

3. Long-distance requirements

Long-distance passenger and freight market needs will influence many capacity plans and securing those service propositions early and with enough prominence will be essential for GBR to plan coherently and deliver its duties properly across the whole network.

To ensure these needs are embedded within locally led capacity plans, we think it would be most appropriate to use long-distance forecast needs and growth assumptions alongside local long-term planning outputs to determine the critical success factors of the outline scope. This would effectively balance local and network strategic drivers in capacity decisions.

Discussion point:

Would giving long-distance service requirements equal status to critical success factors sufficiently align local and national strategic needs?

4. Timescales

GBR should be clear about the factors affecting the possible duration of the planning activity and the expected period it will be valid, to give industry partners as much information as possible about the stability of capacity allocation. By coordinating change as a network-wide portfolio, GBR can set the intended implementation date(s) of changes to capacity and the relationship of a specific capacity plan to any others, such as later configuration states of infrastructure readiness.

An indicative schedule for developing the capacity plan would help industry partners plan their input and engagement.

4.2 Full scope

Once an outline scope is published, GBR will need to frame the proposed output change in the context of other possible uses for capacity, creating a full scope. GBR should invite third-party capacity aspirations to make sure the capacity options represent the wider interests of the industry. GBR would check strategic alignment to avoid creating directly conflicting demands, then add requests to the scope as contingent outputs that will be assessed within the options.

GBR must treat commercially sensitive information from those aspirations with the same discretion as current regulations demand today, not disclosing access proposals made by third parties unless it becomes part of a capacity plan scope, and then only when appropriate.

Balancing stability and flexibility

We think it will be important to have a point from which any capacity requests that affect the scope received after the full scope is set are assessed more restrictively until the capacity plan is complete. This would reduce flexibility to make some new capacity commitments beyond the expected implementation date of a capacity plan. The AUP might need to define what level of constraint is reasonable, in particular for capacity requests that are affected by multiple planning areas, and to explore appropriate mitigations that support business continuity.

Discussion point:

Is it reasonable for the AUP to create stability for capacity planning in this way? How could the process mitigate the constraints on change?

4.3 Governance

We know that to realise the benefits of access reform, clear accountability for each capacity decision and collaborative governance across capacity decisions are both equally vital. Building on the current model of event steering groups, we think GBR should establish a planning group for each proactive capacity planning process, chaired by an accountable leader from the most relevant part of GBR – this places decisions into the context of the change outcome.

The planning group would need representation from affected parts of GBR such as service operations, sponsors of infrastructure changes, and affected stakeholders. It must include a strong network role to align each plan with whole-system factors. The group also needs a clear link to upstream strategy and funding processes, usually including Mayoral Strategic Authorities, to make sure decisions are informed by the latest direction and investment.

To support coherence with devolved governments, the governance model should include structured joint working arrangements. For example, the Scottish business unit would lead capacity planning in Scotland. The AUP should codify joint working arrangements across relevant jurisdictions and adjacent networks, including clear protocols for escalation and assurance, areas of shared responsibility, and aligned schedules like maintenance windows or infrastructure upgrades.

We need to consider how external parties are involved in governance, and how planning groups interact with other GBR functions. Any proposers whose contingent outputs become part of the full scope would need agency in the process, but all industry partners should expect GBR to make options and analysis fully transparent, and for their positions to be represented throughout the process.

Discussion point:

How does the AUP define governance to get the right engagement for different contexts without being onerous?

4.4 Analysis and evaluation

The scope of analysis required to make decisions about the best mix of uses ought to be considered by each planning group, so that it is proportionate to the complexity of the choice. We think the AUP best supports this with a transparent, consistent analytical framework – one that allows planning groups to understand the tools and guidance available, and all service promoters to understand and anticipate how decisions will be assessed.

This approach introduces a more structured process than exists today. It will enable GBR to make decisions with integrity. Currently, the industry's reactive capacity allocation processes generate reactive analysis. With a proactive approach, much of this work can be carried out upfront, which also means it can be broadly anticipated and properly planned. GBR must quickly develop capability to deliver analysis that is quick, simple, and cost-effective.

Proportionality and practicality

A central principle is proportionality. Using a framework in the AUP would make it possible to scale the analysis for a capacity plan appropriately across the five areas of the Government's Green Book – strategic, economic, financial, commercial and management – to the extent that it supports a decision between different options.

- Strategic Case – clarifies *why* the change is needed and frames the analysis around long-term planning objectives.
- Economic Case – assesses *value for money* and the most efficient way to deliver the change, using appropriate quantitative tools like TAG.
- Financial Case – considers *affordability* and funding implications.
- Commercial Case – evaluates *market dynamics* and delivery models.
- Management Case – tests *deliverability*, including governance and risk.

Some core analysis is likely to be standard, like an estimate of value-for-money, the estimated impact on GBR's budget and performance target, and the impact on key performance indicators relating to GBR's statutory duties. There will also need to be more definition of how evaluations are done in common situations. The AUP could refer to a network-wide code of practice to explain this and provide detail on the types of analysis GBR may use without fixing them in policy.

Consistency and clarity in application

A framework consolidates existing analytical practices that are currently dispersed into a coherent and predictable structure, making application across GBR more consistent. But not all analysis can be quantitative. The framework must allow for qualitative assessments and strategic judgement, recognising the limitations of and conflicts between different appraisal guidance.

There must also be support and controls for decision-makers, recognising there is a cost to producing analytical work. Appropriate governance during planning will also support and challenge the risk appetite and competence of decision-makers.

Discussion point:

What controls should be put in place to ensure analysis is proportionate to the uncertainty and risks exposed in the capacity plan?

5 Capacity plans

Having scoped the activities involved in the capacity planning process, this section considers the product of that process – a capacity plan, from which capacity commitments are derived and contracted. It covers the likely contents, its application to capacity decisions made outside proactive planning, and how a plan can be assured, challenged or appealed.

5.1 Contents

Plans should be a transparent record of capacity decisions for a specific area of the network over time. Plans will allocate capacity to types of service as capacity designations, and provide the information for GBR to make capacity commitments to specific users and itself. Each completed capacity plan will be published, which alongside a register of commitments will give stakeholders visibility and assurance of the capacity decisions being made – GBR must demonstrate that the capacity commitments it makes as a result of capacity plans are supported by rationale of value, with robust deliverability and performance, and can withstand the scrutiny of oversight and appeals. With the same rigour, plans should set priorities for how GBR will evaluate reactive changes in use.

Common to all plans is likely to be an assessment of maintenance requirements that restrict capacity, and the impacts of the service balance on asset resilience and overall railway performance. They should include the system requirements for allocated capacity and how station and depot facilities might constrain capacity – this is a capability that we expect to need strengthening. Plans might also contain some level of conditionality to reflect differing scenarios of funding or timing that would affect infrastructure capability. We think including an indicative timetable as part of the planning output would support decisions for real world application.

Discussion point:

What level of detail should a capacity plan contain about disrupting capacity for engineering work, performance tolerances and asset capability?

5.2 Applying a capacity plan

Capacity commitments will be derived from capacity plans, recorded in the overall register of commitments, and where applicable contracted to third parties. Capacity plans would be a valid reference point for GBR to determine the strategic alignment and value of ad hoc capacity requests quickly, as well as to enable itself to change its services flexibly to market demand. The AUP should include safeguards for other users in such situations. That could be a proportionate consultation mechanism that makes transparent any changes initiated by GBR or third parties which have the potential to impact non-GBR services. This would assess whether wider engagement is needed, if the change is substantial enough to reconsider value as a refreshed capacity planning process. It would also help distinguish between minor operational adjustments and more material changes that should be subject to greater analysis oversight. We think more work with industry partners using example scenarios, such as recasting specific service groups, will be valuable to develop this area of the process and policy.

Discussion point:

How does the AUP apply and control GBR's own use of responsive change processes?

Using capacity designations

Capacity designations are a key feature of capacity plans – developed further in Annex 2 – to safeguard capacity for specific types of services that best deliver strategic goals such as freight growth or regional connectivity, even if there is no immediate user. The AUP must clarify how designated capacity should be treated when ad hoc access requests are made. The core purpose is for designations to be available to become capacity commitments for an operator of the same service type. Other situations might challenge that. For example, if a freight designation exists but no current service is operating, should that space be available to be repurposed – temporarily or otherwise – for another use? This raises important questions about balancing agility with long-term value. The trade-off is between securing definite value today and preserving potential future value that is strategically aligned. The AUP should set principles for when designated capacity can be used or repurposed and what triggers a wider reassessment of the value that the capacity planning process had determined.

Discussion point:

Are there circumstances in which repurposing a capacity designation for another type of use is beneficial and fair?

5.3 Triggering a new plan

We are considering how best to define the triggers for initiating a new capacity plan in the AUP to ensure planning activity is proportionate to meaningful change. If the capacity request comes from a single operator with limited competing interests, it is likely to be straightforward to handle through a streamlined assessment against existing capacity plans. A complex, multi-user scenario would need a more robust mechanism of assessment. The role of the AUP here is to define when and how GBR applies the decisions in capacity plans to capacity requests, or must start a new capacity plan to reassess the whole picture.

One approach is to define a trigger as a proposed change expected to materially affect capacity allocation – either by altering existing commitments, re-designating capacity, or impacting the delivery of strategic goals. An alternative would triage applications by reviewing them against existing capacity plans and seeing whether the change is likely to deliver value. This could include a notification mechanism, informing stakeholders of proposed changes to commitments or designations, and inviting objections or alternative proposals. This would maintain transparency and support better decisions.

Validity

Plans may have an expected valid duration, but we can also envisage circumstances where a capacity plan is not expected to be superseded for the foreseeable future, or there's a change in timing for an investment. We think the AUP ought to allow a change in the term for which a capacity plan is considered

current and valid. There also needs to be a clear route for third parties to request a new capacity plan is created, based on their ability to demonstrate value.

Discussion point:

What are the appropriate thresholds for re-opening decisions in a capacity plan? How should the AUP define these thresholds?

5.4 Assurance

Capacity plans need to be assured, individually and collectively. The AUP could require progressive network assurance during a capacity planning process to validate assumptions and manage risks across the wider change portfolio, support consistent application of analytical outputs, and ensure that trade-offs made during planning are consistent with wider network priorities. This approach draws on existing models such as the timetable change risk assurance process. Across all plans and capacity allocation, transparent reports about the cumulative impacts of GBR's decisions will also be important – this needs further development.

6 Challenge and appeal

Completed capacity plans should be published, setting the evidence base for oversight and appeals. The AUP could include a mechanism for industry partners to challenge GBR decisions prior to escalating to a formal independent appeal to the ORR – a discussion paper on that process will be published separately by ORR. An intermediate step may resolve issues more quickly and informally, avoiding the need for full appeal proceedings, but it risks introducing delay without adding independence from GBR for third parties.

A pre-appeal resolution process could be particularly useful in cases where stakeholders believe GBR's decision does not reflect the relevant capacity plan, strategic priorities, or fair access principles. By enabling GBR to reconsider or clarify its position before an appeal is lodged, this mechanism could help maintain trust and transparency in the system. To be effective, any such process must be clearly aligned with the ORR's appeal guidance, ensuring:

- Timescales and deadlines between GBR's published decisions and the opening of the appeal window are clearly defined.
- The duration of the resolution process is proportionate and doesn't delay formal appeal.
- Stakeholders are clear in advance about their rights and the steps involved in both the resolution and appeal processes.

Discussion point:

Should such a mechanism be included in the AUP and how it could be designed?