

GREAT BRITISH RAILWAYS

Access and Use Policy

List of Consultation Questions

Introduction

This document has been created to support the Access and Use Policy consultation in September 2026 by presenting copies of the AUP specific consultation questions.

How to respond

The questions in this document replicate the consultation questions which are available on the Network Rail website for electronic response via Microsoft Forms. They are provided here altogether for ease of reference. We can only accept responses via the Microsoft Form provided.

You do not need to answer every question. Please focus on the matters that are relevant to you and on which you have knowledge, experience or evidence.

When responding in the form, please explain the reasons for your answers and provide supporting evidence or practical examples where possible. Responses will be particularly helpful where they:

- identify the relevant chapter, paragraph or consultation question;
- explain the practical effect of the proposal;
- distinguish whether the point concerns policy intent, legal effect, clarity, implementation, transition, governance, commercial impact or operational workability;
- identify the parties, services or circumstances affected; and
- suggest an alternative approach or drafting where appropriate.

Some questions relate to areas covered by other consultation documents and response forms. Where another consultation form is identified as the main place for detailed comments, please provide your detailed response there.



Where a concern arises from the relationship between different parts of the consultation, please identify the relevant provisions and explain how they interact. You do not need to repeat the same detailed response in more than one consultation form.

Consultation questions

Your information

Questions 1 to 4

These are data-gathering questions about the respondent and are not repeated here.

Your responses

Questions 5, 7, 12, 16, 19, 22, 29, 37, 41, 44, 50, 56, and 58

These questions ask whether the respondent would like to respond to a specific chapter of the policy. Responding 'no' will skip the questions related to that chapter.

Scope and statutory status of this policy (Chapter 1)

Question 6

Chapter 1 identifies the parties GBR would consult before making future changes to the Access and Use Policy

Are the policy's scope, the relevant legal framework and the proposed consultees clear?

Capacity allocation decisions and GBR's criteria (Chapter 2)

Question 8

Does the policy identify the right decisions to treat as capacity allocation decisions? How could this be improved?

Question 9

Does the policy set out the right statutory duties and appropriate considerations to apply when making capacity allocation decisions? How could the considerations be improved?

Question 10

Chapter 2 explains how GBR will apply its statutory duties and policy considerations when making capacity allocation decisions. It proposes a structured and proportionate approach to assessing options, weighing competing considerations and using evidence and analysis.



Is the described approach appropriate? Are any changes needed to how GBR would apply the duties and considerations?

Question 11

The policy sets out that GBR will publish key decisions, the reasons for them and resulting matters relevant to implementation or later decisions.

Is the approach to publication described appropriate? Are any improvements needed?

Building blocks of railway use (Chapter 3)

Question 13

The policy describes GBR's Capacity Plan, including its capacity classifications and Capacity Priorities. It also describes capacity commitments, which give their holders defined priority to specified capacity for a defined period. GBR will record capacity commitments for its own passenger services alongside those held by other parties.

Does the policy clearly and adequately describe the Capacity Plan and capacity commitments, including how they work together and how commitments for GBR-operated services will be treated? Are any improvements needed?

Question 14

Does the policy set out an appropriate overall approach to access contracts?

Question 15

The policy proposes Model Access Contracts for track, station and depot access, together with arrangements for different types of contract holder. It proposes to retain a specific form of contract for freight customers and introduce a corresponding contract for specifiers of public passenger services. Under either model, train operation could be arranged through drawdown, as under the current freight customer contract, or through a form of contractual nomination. The policy also proposes a separate Model Access Contract for heritage and tourist operators. Track access contracts for scheduled heritage or tourist passenger services currently use ORR's Open Access model contract.

Are the proposed Model Access Contracts and arrangements for contract holders clear and appropriate? In particular we would welcome views on:

- whether the proposed models for freight customers and public passenger specifiers are helpful, and which arrangement for train operation would be most appropriate; and
- whether you support a separate model for heritage and tourist operators and, if so, what should distinguish it from the Open Access Passenger and Charter Passenger model contracts?



Engagement in train service change (Chapter 4)

Question 17

Is the policy's approach to engagement helpful to parties seeking access to the railway or considering investment in it? What improvements could be made, if any?

Question 18

Is the policy's proposed approach to publishing information about GBR's railway appropriate, and are any improvements needed?

Strategic direction and enabling investment (Chapter 5)

Question 20

The policy sets out that GBR will provide strategic direction through its long-term planning programme by:

- taking account of national and local strategies;
- providing strategic direction on freight growth and investment; and
- planning consistently across GBR's railway and network boundaries.

Is this proposed approach appropriate, and covered at an reasonable level for this policy? What changes to the policy would be useful?

Question 21

The policy proposes to use capacity allocation to support well-founded investment by clarifying the railway outputs required and providing appropriate assurance as proposals develop. This includes longer capacity commitments where additional assurance is reasonably needed to secure material benefits.

Is the proposed approach appropriate, and should GBR include further information on supporting investment in the AUP or in other guidance and policies? If so what information would be helpful?

Making and amending capacity commitments (Chapter 6)

Question 23

Chapter 6 sets out the proposed application process for new or amended capacity commitments. This includes:

- the distinction between Type 1 applications that match the Capacity Plan and Type 2 applications that require a minor revision;
- the information applicants must provide;
- when applications may be made, including applications seeking early assurance more than 24 months in advance;



- the grounds on which GBR will accept an application for consideration or reject it at that stage, including whether a Type 2 application is suitable for the minor revision process;
- publication and consultation on applications, including the treatment of confidential or commercially sensitive information;
- the treatment of interacting applications and GBR Proposals; and
- timescales for the decisions, including GBR setting timescales for assessment on an individual basis in light of the complexity of the case and other interacting issues?

Is the proposed application process appropriate, and what changes or improvements would be helpful?

Question 24

For Type 2 applications, the policy proposes GBR will assess the risks a proposed change would create for the reliable, punctual and safe operation of the railway. It proposes that GBR will consider the significance of those risks, available mitigations and whether the resulting level of risk would be acceptable in light of GBR's statutory duties.

Is the proposed approach to assessing and managing these risks appropriate, including publishing information on capacity and capability constraints? Do you have views on what GBR should publish in future material on constraints to support self-assessment?

Question 25

The policy proposes that each Type 2 application will be compared with the existing Capacity Plan and any alternative applications or relevant GBR Proposals. The assessment will consider economic value, social impacts, effects on public funds and revenue abstraction, helping GBR weigh its statutory duties.

Is this proposed approach to comparative assessment appropriate, and what improvements would be useful? What should the supporting technical guidance cover?

Question 26

The above assessment also includes deliverability for the applicant, and the approach to choosing between multiple Type 1 applicants.

Are these other proposed policies for assessing and deciding applications appropriate, and what improvements would be helpful?

Question 27

The policy proposes a standard seven-year duration for capacity commitments, while allowing longer or shorter commitments where justified. Commitments serving the same freight flow or freight customer, or forming part of the same passenger service group, will normally have aligned end dates. The policy also covers start dates, conditions, commitments extending beyond an expected major Capacity Plan update, and more flexible commitment parameters where appropriate.

Is this approach to the duration and alignment of capacity commitments appropriate? What changes or improvements are needed?



Question 28

For GBR-operated services, GBR would publish and consult on the equivalent of an application, called a GBR Proposal. It will assess relevant operational risks and, where there are competing applications, assess the GBR Proposal on the same basis. GBR will also publish and explain its decision.

Is the proposed approach to making or amending capacity commitments for GBR-operated services appropriate? How could it be improved?

Updating GBR's Capacity Plan (Chapter 7)

Question 30

Is the overall approach to updating GBR's Capacity Plan appropriate? How could it be improved?

Question 31

The policy sets out that GBR uses a major update where connected capacity choices are best considered together because of the scale or complexity of the change. GBR would use a minor revision where the change, its main effects and the reasonable alternatives can be assessed reliably without reconsidering wider, interconnected capacity choices, assumptions and risks. This affects how applications are treated.

Is the proposed approach to differentiating a major update or a minor revision appropriate? What changes or improvements would be helpful?

Question 32

The policy proposes that GBR consult affected access contract holders and prospective applicants, relevant national and local transport bodies, Transport Focus and affected adjacent infrastructure managers when undertaking major updates or minor revisions to the Capacity Plan. GBR may also consult others with a material interest or who are relevant to its statutory duties.

Does the policy identify the right parties to consult on major updates and minor revisions to the Capacity Plan?

Question 33

The policy sets out how a major update to the Capacity Plan may be initiated. GBR may initiate an update, and other parties may request one. GBR will use the Planning Schedule to give advance notice of expected major updates.

Is the proposed approach to initiating major updates appropriate? How could it be improved?

Question 34

For a major update, GBR will propose critical railway outputs, geographic scope, timing and intended effective date. Following consultation, it confirms those matters and selects any additional aspirations to assess as contingent outputs.



Is the proposed approach to setting the critical railway outputs, scope, timing and contingent outputs for a major update appropriate? How could it be improved?

Question 35

During a major update, GBR will work with a reference group to develop and compare packages of service, infrastructure, rolling-stock and operational options.

Is the proposed approach to developing and assessing these options appropriate? How could it be improved?

Question 36

Minor revisions would allow GBR to make contained changes to the Capacity Plan without undertaking a major update, noting that revisions of this kind will often be decided through the decisions on applications or proposals set out in Chapter 6.

Is the policy on minor revisions appropriate? How could it be improved?

Agreeing and revising access contracts (Chapter 8)

Question 38

Is GBR's overall approach to agreeing and revising access contracts appropriate? How could it be improved?

Question 39

The policy requires GBR to consider whether an applicant for a contract is an appropriate party to hold an access contract and has the capability needed to do so. It also sets out that changes to existing contracts will be made through the applicable contractual processes.

Is the proposed approach to applications for new access contracts and changes to individual access contracts appropriate? How could it be improved?

Question 40

The policy requires GBR to consult affected parties before updating the Model Access Contracts. Changes to the GBR Code will be made through the applicable contractual change procedures.

This question concerns how these matters are addressed in the AUP. Detailed comments on specific provisions of the Model Access Contracts or the GBR Code should be submitted through the separate consultation response form for those documents.

Is the proposed approach to updating Model Access Contracts and the GBR Code appropriate at a policy-level? How could it be improved?



Timetable production and variation (Chapter 9)

Question 42

Chapter 9 explains the policy-level approach to international train paths, preparing the working timetable and timetable variations. These processes are set out in the GBR Code and give operational effect to earlier strategic capacity choices.

This question concerns how these matters are addressed in the AUP. Detailed comments on specific provisions of the Model Access Contracts or the GBR Code should be submitted through the separate consultation response form for those documents.

Are the approach and provisions that cover timetable production and variation appropriate at policy-level? How could it be improved?

Question 43

Disputes about working timetable decisions, other than decisions about the timetable rules, will be handled through the contractual dispute resolution arrangements.

This question concerns how these matters are addressed in the AUP. Detailed comments on specific provisions of the Model Access Contracts or the GBR Code should be submitted through the separate consultation response form for those documents.

Is the approach in the policy for resolving disputes relating to the working timetable appropriate? How could it be improved?

GBR's charges scheme (Chapter 10)

Question 45

The proposed approach to core charges is to set charges for a minimum five-year period aligned with at least one Funding Period, providing greater certainty and predictability for industry stakeholders. Changes during that period would only be permitted where there has been a material change in circumstances.

Do you agree with this proposed approach (10.4 to 10.8)? Please provide reasons and supporting evidence where possible.

Question 46

In relation to Costs Directly Incurred, the policy intent is to establish a clear definition in the Access and Use Policy that is consistent with Commission Implementing Regulation (EU) 2015/909.

Do you consider this have correctly identifies the activities and costs that should fall within this definition? If not, please identify any areas where the proposed definition may unintentionally extend beyond, or exclude, the intended scope, providing evidence where possible.



Question 47

The proposed approach to ancillary charges is to provide stakeholders with an appropriate degree of certainty while retaining the flexibility to amend ancillary charges during a Funding Period in response to changing market circumstances.

To what extent do you agree that this proposed approach (10.9 to 10.15) appropriately balances these objectives? If appropriate, please identify any additional safeguards that should apply while remaining consistent with this policy intent.

Question 48

In relation to mark-ups, the policy intent is to set charges based on the ability of an efficient operator within a defined market segment to bear the charge, rather than the circumstances of individual operators.

To what extent do you agree with this proposed approach (10.16 to 10.20)? In particular, do you have views on its practical application and evidence requirements that may support implementation?

Question 49

One of the principal purposes of Chapter 10 is to provide users of the GBR network with transparency, predictability, and assurance regarding how GBR will develop, set and amend its charges scheme.

To what extent does the proposed framework (in particular 10.23 to 10.47) achieve this aim? Please identify any areas where additional safeguards, commitments or governance requirements may be needed.

GBR's performance scheme (Chapter 11)

Question 51

The policy proposes to structure the performance scheme around separate frameworks for planned and unplanned disruption (11.9 to 11.16).

To what extent do you agree with this proposed structure?

Question 52

The proposed framework defines categories of responsibility for disruption and uses these categories to determine the approach to compensatory payments.

To what extent do you agree with the proposed categories and associated approach to compensation (11.5)? If you disagree with the approach, what alternative should GBR consider?

Question 53

The policy proposes that the objectives for the planned and unplanned disruption frameworks should guide how GBR develops, consults on and publishes the Performance Scheme Statement (PScS), which will set out the detailed structure, mechanics, compensation arrangements and period of application of the scheme.



To what extent do you agree with the proposed objectives (11.17 to 11.23), approach and role of the Performance Scheme Statement (11.30 to 11.31)? Are there any additional matters, commitments or safeguards that the Statement should include?

Question 54

For devolved government specified, funded or supported services, we propose to allow bespoke performance schemes, supported by the proposed principles and commitments.

To what extent do you agree with this proposed approach (11.24 to 11.29)? Are any further safeguards needed?

Question 55

Between funding period reviews, GBR would only amend the performance scheme where justified by material change (11.32) or to ensure the scheme continues to reflect operational realities (such as: to reflect berthing offset changes, major timetable changes, transfer of services between operators etc.).

To what extent do you agree with this proposed approach? What controls should apply to such amendments?

Assurance, reporting and complaints (Chapter 12)

Question 57

Chapter 12 sets out the proposed approach GBR will take to:

- transparency and the protection of confidential and commercially sensitive information;
- internal assurance before decisions are taken;
- complaints about decisions not covered by contractual dispute arrangements, including independent oversight within GBR and the relationship with any available right of appeal to ORR; and
- evaluation and reporting of each funding period on the effects of capacity allocation decisions taken under the AUP.

Are these proposed arrangements clear, fair and likely to support transparent, accountable and effective decision-making? Are there any matters that should be covered in a future GBR's Code of Practice for Confidential Information?

Any other comments

Question 59

This question provides respondents with the opportunity to provide additional comments in a free text box.

