System Operator

Great British Railways' Access and Use Policy

Discussion paper

Annex 3 – Charges and performance

System Operator

NetworkRail

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1 Context

The Railways Bill requires GBR to develop a framework for setting track access charges and determining the performance schemes, for non-GBR users of the network. This must be in line with its general duties. This annex sets out our emerging thinking on how the technical content of these schemes might be outlined in the Access and Use Policy (AUP).

The Railways Bill retains many of the core elements of the current frameworks. For charges, this means retaining the principles of recovering costs directly incurred by operating train services (Costs Directly Incurred, or CDI), alongside the continued use of mark-ups and discounts. For performance, the schemes will remain focused on providing compensation to minimise disruption. Our current thinking is that GBR will continue to set a single, network-wide scheme for charges and performance every five years.

There will be important legislative differences to the current approach: GBR, rather than ORR, will set charges and performance schemes; GBR's own operators and subsidiary services will not be subject to charges and there is freedom to also exclude them from performance schemes; GBR will have an expanded scope to offer discounts; and ORR will act as the industry appeals body with an enhanced role in oversight of GBR decisions.

Table 1: Key changes to industry party's roles and responsibilities.

Periodic Review activity	**Current owner**	**Assumed 'new' owner**
Development of, and consultation on, policy positions	ORR Network Rail	GBR – It will lead industry consultations to establish policy positions consistent with its AUP.
Calculation of, and consultation on, charges and performance schemes	Network Rail (charges) ORR (performance)	GBR – It will calculate charges and calibrate the performance scheme parameters and benchmarks (including the handling of confidential data) and setting of methodologies.
Approvals and assurance	ORR	GBR – It will define the governance, approvals and assurance process for implementation of the schemes.
Appeals	N/A	ORR – It will be the industry appeals body, ensuring that GBR is discharging its duties in accordance with legislation and its AUP.

Under the new structure, GBR will assume the current responsibilities discharged by ORR for consulting on and determining track access charges and performance schemes. We believe that this is a positive step. Instead of working at arm's length through the ORR, the industry would be working directly together on important topics that have often been adversarial, bringing greater clarity and accountability. With fewer parties directly involved, the schemes will be less complex for GBR to manage, but maintaining stability of these schemes will become ever more important for non-GBR users of the network. So, it's essential that the AUP clearly defines the scope of the charges and performance schemes, sets out the priorities they are intended to deliver, and explains the framework through which changes will be made.

Against this backdrop, the Department for Transport has commissioned Network Rail to develop a proposal for the charges and performance content of the AUP. This work is being taken forward by the Regulatory Economics Team (Planning & Regulation).

1.1 Development and engagement

Our focus to date has been on regulated track access charges and on Schedules 4 and 8 of the performance schemes. Proposals have been tested through a series of workshops with industry experts, whose insight and challenge have helped shape the content of this paper. Day-to-day administration of the schemes, including delay attribution, falls outside the scope of this work. The purpose is not to determine the specific charges or performance schemes for future Control Periods.

Our proposal is shaped around two core ideas. Firstly, that the AUP should build on legislation by clearly defining the technical scope, key definitions, and priority outcomes underpinning the schemes. Secondly, that the AUP should set out the policy commitments GBR will make to non-GBR users, which will guide how charges and performance schemes are updated every five years.

This annex explores those two ideas in detail. Section 1.2 introduces the primary purpose of the AUP for charges and performance, and how it will be used to govern design of the schemes and subsequent changes to them. Section 2 describes the technical scope and scheme priorities that should be defined in the AUP for track access charges. Section 3 does the same for the performance schemes (including both planned and unplanned disruption). Section 4 closes by exploring the policy commitments GBR could make to non-GBR users in the AUP.

1.2 Protections to non-GBR users

An important consideration for the AUP will be to provide protections to non-GBR users when GBR develops and updates the track access charges and performance schemes. As today, these schemes will continue to be reviewed and updated at each Periodic Review. The process for making changes should build on the current ethos of collaboration, consultation, and transparency, ensuring that any changes are evidence-based, outcome-driven, and responsive to user needs.

Government has committed to honour the ORR's final determination on access charges and performance schemes for CP7, once GBR is established. It follows that material changes to the charges scheme or performance schemes will not be required for the remainder of CP7 – unless there is a material change in circumstances in the case of the performance schemes.

GBR will determine the access charges and performance schemes from 01 April 2029. Therefore, our current assumption is that the protections outlined in the AUP will become relevant for the start of CP8, and for future Periodic Reviews.

Our proposal for track access charges and performance schemes is predicated on an important hierarchy: legislation sets GBR's statutory duties; the AUP will translate those duties into a framework of protections and processes; and GBR will determine the track access charges and performance schemes within that framework.

In practice, the determination of the schemes by GBR will be the publication of both a Charges Scheme Statement and Performance Scheme Statement every five years. For GBR to do this successfully in future, its key roles and responsibilities will need to combine current ORR-led and current NR-led activities.

For charges and performance schemes, this will include consultation on changes to the schemes, assessment of the effectiveness of the scheme, consultation on and determination of scheme calculations, and the publication of price lists and guidance notes underpinning how the schemes have been determined and quality assured. In essence, this will replace the current charges and performance activity included as part of the ORR's Final Determination.

Our current thinking is that the AUP should establish a clear framework for how this change will be managed. In the first instance, it will be important that the AUP sets out high-level timelines and milestones for consultation and scheme development. This is necessary to give non-GBR users clarity on when they can engage, provide input, and challenge proposals.

It will be necessary to make changes to the schemes that reflect evolving user requirements and to recognise the economic value of services provided by non-GBR users, as well as broader public priorities, such as delivering value for money for taxpayers. However, consistent with stakeholder feedback, GBR should only make changes "within reason" – guided by evidence, consultation, and a focus on creating simpler, more consistent schemes.

The technical scope (described in the following sections for track access charges, unplanned disruption, and planned disruption) will help to constrain GBR's ability to arbitrarily deviate from or significantly redefine the schemes. However, as GBR will assume responsibility for roles currently undertaken by the ORR, the AUP should provide further protections, in recognition that GBR will have a unique and dominant role in the development and implementation of access charges and performance schemes.

Our current thinking is that the AUP can achieve this by outlining the policy commitments GBR will make to non-GBR users, and the priorities that will guide both the initial design of the schemes and future updates to them. The technical detail of these schemes (and the priorities underpinning them) are explored first in the following sections of this annex, to help frame our emerging proposal. Potential policy commitments to non-GBR users are then explored at the end of the document.

2 Track access charges

2.1 Core track access charges package

The core package of track access charges would set out the minimum suite of charges that non-GBR operators should expect to pay for access and use of the network. This would provide clarity and support operators' planning.

The core package should be underpinned by Costs Directly Incurred (CDI), ensuring charges continue to reflect current principles such as the short-run marginal costs of additional train services, which include wear and tear on track and signalling. Under the current regulated framework, charges that would be considered core on this basis include the Variable Usage Charge, Electrification Asset Utilisation Charge, and Electricity Charge for Traction.

For passenger operators outside GBR, it is proposed that the core package also include allocated long-term infrastructure costs for stations. On this basis, we propose that the Stations Long Term Charge and Stations Qualifying Expenditure should also be considered core charges. While these charges are not CDI, their inclusion is consistent with legislation and reflects the minimum level of access costs these operators would incur. Beyond this, no other fixed or allocated costs would be included in the core package for non-GBR operators.

To support stability for non-GBR users, we would expect the core package to remain stable for at least five years and that it would not be subject to significant changes between Periodic Reviews.

Our proposal

We are proposing that the key technical scope of the core charges package is outlined in the AUP. The Railways Bill requires GBR to set charges at the cost that is directly incurred as a result of operating the train service. One of the most important aspects of the AUP should therefore be to describe what CDI means in the context of the core charges package. It is expected that this definition of CDI will be guided by existing legislation and current thinking on marginal cost principles, with no intention to depart significantly from current practice.

To support the classification of CDI for core charges, an important feature of the AUP is clarifying which costs are considered eligible for recovery through core charges, and those which are non-eligible (such as fixed costs currently recovered through FTAC and other mark-ups). Providing clarity to current and future users of the network about the scope of cost recovery by GBR would help provide consistency and stability for non-GBR users.

In applying CDI, it would also be important to demonstrate that the underlying costs reflect an efficient level of infrastructure expenditure. This would help provide confidence to non-GBR operators that marginal cost estimates are not inflated by inefficiencies elsewhere in the system.

The policy should also describe the factors used to determine pricing, for example vehicle characteristics such as operating weight, traction power, and speed, reflecting the approach used in current arrangements. It would also be appropriate for the AUP to set out the timeframe over which applicable marginal costs are forecast, recognising that legislation will allow both short-run and long-run approaches, which can impact the level of charge paid by operators. Establishing a consistent approach in the AUP would help provide predictability and stability of charges for users.

The Railways Bill requires GBR to include sufficient information about the costs of operating its own services and how charges for these services are calculated. Building on this requirement, the AUP should describe a clear cost apportionment process, setting out the level of charge that GBR's own train services would be exposed to (essentially representing a notional charge). Although this will be most relevant for the core charges, it should also apply to any relevant elements of the ancillary package (see Section 2.2).

On this basis, we expect that all charges relevant to GBR's own services would be visible to parties outside of GBR on published price lists. Stakeholder feedback has indicated that understanding cost causation for

GBR's services is necessary to maintain transparency and ensure fair and consistent charging for non-GBR operators.

GBR would also need to establish robust internal accounting policies to comply with broader legal requirements, including subsidy control. These policies would demonstrate that GBR's own services are not subsidised by non-GBR operators and that costs are allocated fairly.

Discussion point:

Does the proposed level of detail in the core charges package give non-GBR users reasonable confidence in the stability of core charges to undertake long-term business planning?

2.2 Ancillary track access charges package

The ancillary track access charges package would capture additional elements of the charging framework beyond the core package. The key difference is that we believe it should consist largely of non-marginal charges and exceptions to CDI – such as fixed costs currently recovered through mark-ups, or discounts to track access charges.

Its content would vary between operator types and market segments. It would reflect value for money, economic value, affordability, market competition and strategic objectives. Key focus areas for the ancillary charges package may include how GBR can use charges levers to support effective operations and encourage behaviours that enable new services. The framework should also support the railway to deliver value for money and wider economic benefit for the UK (for example through discounts). These charging arrangements would, however, sit downstream of access decisions, rather than determining them.

Current track access charges likely to fall within this category would include Fixed Track Access Charges, Infrastructure Cost Charges, the Freight Specific Charge, discounts, and other charges permitted by legislation.

While legislation will permit different types of charges, their application would only be appropriate where there is a clear and evidenced network benefit, where they are affordable to affected operators, and proportionate to the outcome being sought. This means these charges would not be a default feature of the ancillary package, but considered only in circumstances where they are necessary to address a specific and evidenced problem.

To reflect stakeholder needs and circumstantial changes, ancillary charges should be re-assessed each Periodic Review. This could involve a revision of GBR's position on issues such as discounts and mark-ups, to ensure they are delivering economic value and market competition. However, this would not include introducing new charges or amending calculation methodologies within a Control Period as ancillary charges would also be fixed for the duration of a Control Period.

At this stage of development, consideration is being given to how the key technical scope of the ancillary access charges package could be set out in the AUP. In the first instance, an important aspect of this work is to provide clarity on the circumstances in which track access charges could exceed CDI to recover a contribution to GBR's fixed costs.

The emerging view is that the AUP would be expected to explain the circumstances in which charges contributing to fixed costs may apply. Legislation will require this to be underpinned by an assessment of what an efficient operator would be able to pay. We expect this assessment will serve a function like the ORR's 'market can bear' test. The factors informing such tests would be expected to include operator affordability and levels of market competition. Note that broader strategic, economic and social value are factors for capacity allocation decisions, covered in annex 1.

As an operator's ability to pay will vary depending on the markets it serves, the AUP will need to set out a clear framework for how GBR will define and update a list of market segments. Consistent with current arrangements, this list would be expected to differentiate at a minimum between freight services, open access passenger services, and GBR's own passenger services. Defining market segments in this way will preserve the existing approach, maintaining consistency in how similar markets are treated while allowing for evidence-based flexibility where markets differ.

To support the calculation of fixed cost contributions, the AUP should also provide clarity on which categories of cost are considered eligible or ineligible for recovery. This will give current and prospective users a clear understanding of the scope of fixed cost recovery.

Consideration should also be given to how the policy should address the application of track access charges above CDI in relation to market-driven charges. As legislation permits GBR to levy reservation charges, the AUP should describe the scope of these charges, the circumstances in which they might apply, and the conditions under which GBR may wish to make use of them.

The Bill outlines a wide scope of circumstances in which GBR may choose to levy charges below CDI, through discounted access charges. We expect the detailed policy on discounts to be produced separately from the AUP, as part of the Charges Scheme Statement published as part of each Periodic Review. So, the role of the AUP is to complement the legislation by including a commitment to publish a policy position on discounts to non-GBR users as part of each Periodic Review. The scope of this policy will also need to comply with state subsidy rules and competition laws.

Discussion point:

What level of technical detail is needed in the scope of the ancillary charges package to balance flexibility and certainty for non-GBR users?

2.3 Scheme priorities for track access charges

Our emerging view is that the AUP should outline a clear set of priorities that the charges scheme should deliver, which would apply to both core and ancillary charges. Well-defined priorities would provide clarity and reassurance to non-GBR users about the outcomes GBR would seek to achieve through charges. Charges will not be the primary lever for change, but they can be an important incentive. Our current thinking is that any simplification or change to the charging scheme should maintain the underlying principles and incentive effects set out in these priorities, with any trade-offs grounded in clear evidence. Based on stakeholder feedback, it is important to consider the role of access charges and the outcomes they can help facilitate. This could include priorities such as those discussed below.

- **Facilitate long-term planning and investment**
  The charging scheme should provide stability and predictability, giving non-GBR operators and investors the confidence to undertake long-term business and investment planning. This means maintaining consistency in how charges are calculated, avoiding unnecessary change between control periods, and providing early visibility where change is required.

- **Incentivise the use of track-friendly vehicles**
  The charging scheme should encourage the use of vehicles that minimise wear and tear on the network. Charges should reflect the relative impact of different rolling stock types on infrastructure, ensuring that operators using track-friendly vehicles face lower rates. This maintains cost-reflectivity and promotes investment in vehicles and technologies that reduce maintenance and renewal costs over time. Although GBR's own operators will not pay track access charges, the incentive properties will remain because as an integrated rail body, GBR will bear the full costs its operations impose on the network.

- **Support the financial sustainability of GBR rail infrastructure costs in a fair and non-discriminatory manner**
  The charging scheme should contribute to the sustainable funding of the rail network while ensuring that charges for non-GBR operators remain fair, proportionate and evidence based. Contributions towards the fixed costs of the network by non-GBR operators should be on a fair and proportionate basis. Any mark-ups should be grounded in transparent evidence of what an efficient operator is able to pay.

- **Support effective operations on the railway network, without penalising market growth**
  While charging decisions will sit downstream of access decisions, the scheme should help ensure that the network operates effectively. Targeted track access charge discounts could be used for this purpose – for example, to enable Faster Freight operations where there is clear evidence of capacity or performance gains, or to support environmental objectives through traction incentives. When applying the charging levers permitted in legislation to complement access decisions, GBR should ensure that incentives remain aligned with effective network management and wider market growth.

Discussion point:

Do these priorities for the charges scheme adequately cover the interests of railway stakeholders and support GBR make the trade-offs that will be needed between different priorities?

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2.4. Other services and charges

The current Access and Management Regulations permit access to railway facilities and allow for the provision of related services. Under these regulations, Network Rail can apply the following additional charges: Station Long Term Charge, Qualifying Expenditure (QX), Depot Charges and Connection Charges.

It is our intention to include the Station Long Term Charge and QX in the core track access charges package, as outlined above. Depot and Connection charges will remain subject to existing charging principles in the regulations, and so does not need to be covered by the AUP.

3 Performance schemes

3.1 Unplanned disruption scheme

The Railways Bill requires GBR to set a performance scheme covering unplanned disruption. It will also require that the fundamentals of this scheme apply consistently across the entire GBR network, without variation when services cross regional or business unit boundaries. At the same time, there would remain scope to agree bespoke schemes with individual operators, where appropriate, provided these comply with relevant legislation and the technical content set out in the AUP.

The overarching aim is to ensure that parties are fairly compensated for performance impacts that GBR and other operators cause to them. The intention is that calculated (or automatic) scheme compensation would be considered full and final, with no scope for additional compensation arrangements. In addition, all non-GBR operators would receive a reasonable and fair level of compensation for disruption that is caused to them by others, which also reflects their ability to influence and aid recovery efforts. Alongside this, the scheme would also allow for reasonable penalties where poor performance causes detriment to other users of the network.

At this stage of development, our emerging view is that the AUP should set out the types of compensation that may be paid under the scheme, which could include revenue impacts, costs incurred as a direct result of disruption, and passenger compensation (i.e., delay repay). The scheme would also be cognisant of expected levels of performance and network availability, recognising that some disruption is unavoidable – in the interest of all parties the scheme should not penalise GBR or non-GBR operators for this.

Our current thinking is that the AUP should not specify the precise performance metric to be used, but to provide a framework that allows flexibility while encouraging alignment with well recognised and understood industry metrics. In practice, this should mean that metrics are linked to outcomes that passengers and freight customers value, and that they reflect user needs in a proportionate way.

Our current thinking is that the AUP should make clear that GBR must continue to act as a "clearing house" for any compensation arrangements, reducing the need for complex bilateral arrangements between operators. All non-GBR operators would be offered a standard scheme appropriate to their market, while also retaining the possibility of entering bespoke agreements transparently where justified. Importantly, any bespoke scheme would need to be available to other operators offering equivalent services in similar markets, to ensure compliance with competition law and adherence to the AUP framework. Equally as important is that such bespoke agreements would not affect the standard compensation or penalties payable between operators for delays caused to, or by, them, nor should they encourage perverse behaviours amongst any parties involved.

Proposed priorities for the unplanned disruption scheme

Consistent with the developing view for the charges scheme, stakeholder feedback has indicated that the AUP should also outline a clear set of priorities for the performance schemes to deliver – recognising that the schemes for unplanned and planned disruption are different, the priorities should be explored independently. The rationale for articulating priorities for the performance schemes is consistent with the points discussed for charges – crucially, to shape scheme design, to govern change, and to transparently demonstrate the outcomes to be delivered. We have explored and discussed a broad range of priorities for the unplanned disruption scheme with industry stakeholder groups, our current thinking is being shaped around the following priorities.

- **Encourage optimal outcomes for passengers and rail freight customers**
  When setting the schemes, the needs of passengers and freight customers of the railway should be prioritised, by regularly examining and reviewing the outcomes that users desire. The schemes should recognise and try to balance the need to minimise disruption holistically, with the need to ensure that passengers and freight customers do not face significant disruption or cancellations.

- **Encourage parties to minimise disruption**
  This objective intends to encourage parties to reduce the disruption that they cause to themselves and others on the GBR network. This will be achieved through the performance schemes by ensuring that parties face penalties when they cause unreasonable levels of disruption to themselves and/or others on the GBR network.

- **Offer fair compensation for performance impacts**
  The performance scheme for unplanned disruption will ensure that parties are fairly compensated for performance impacts caused to them by GBR or other operators. Parties will be offered reasonable and fair compensation for disruption that is caused to them by others, recognising their ability to influence and aid in recovery efforts. This compensation will be balanced with reasonable penalties for poor performance.

- **Promote efficient recovery of performance**
  All parties should be encouraged to recover quickly from all performance incidents, regardless of cause. Where operators face disruption that they have not caused, the scheme will encourage parties to aid in recovery efforts by rewarding collaborative efforts. Similarly, where parties cause disruption, the scheme will encourage recovery efforts where this is in the best interest of users of the network.

- **Support prime cause analysis**
  Delays should be investigated to understand causation, support delay analysis and recovery as well as to inform and enable the performance scheme. The scheme should support and not frustrate prime cause analysis for delays (currently done through the Delay Attribution framework). The scheme should not create financial incentives which disrupt the Delay Attribution process, and should not directly conflict with the outcomes of Delay Attribution.

Discussion point:

What level of detail do non-GBR users consider necessary in the AUP to provide confidence in the structure and priorities of the unplanned disruption scheme?

3.2 Planned disruption scheme

It is expected that all non-GBR operators will be offered the option of participating in a planned disruption scheme, covering the impacts of disruption where advance notice is given. The AUP should require the scheme to apply on a consistent national basis, so that operators have clarity across the network regardless of regional or business unit boundaries. However, it will still allow some flexibility for bespoke arrangements where appropriate.

The planned disruption scheme is intended to provide fair and reasonable compensation for the impacts of planned disruption, while recognising the essential need for GBR to maintain and renew a safe and reliable network.

At this stage of development, our emerging view is that the AUP should set out the types of compensation that may be paid under the scheme, which could include recognition of revenue impacts and costs incurred as a direct result of planned disruption, such as the costs associated with replacement bus provision.

A key area of focus is to ensure that the scheme strikes the right balance between efficient delivery of maintenance and renewals works, and the interests of passengers and freight customers, whose needs should remain at the centre of decision-making. An effective outcome for the AUP will be to set a framework that encourages GBR to plan and deliver maintenance in a way that safeguards value for taxpayers and funders, while minimising disruption to commercial freight operators whose competitiveness depends on reliable access to the network.

As with unplanned disruption, all non-GBR operators would be offered a standard scheme appropriate to their market. GBR may also have the discretion to agree bespoke arrangements where appropriate, provided these comply with relevant legislation (including competition law), reflect the technical scope set out in the AUP and do not encourage perverse behaviours. In practice, this would mean that any bespoke scheme made available to one operator would also be available to others providing equivalent services in a similar part of the market.

Proposed priorities for the planned disruption scheme

As with the scheme priorities discussed above, our recent engagement with stakeholders has prompted productive conversations about the priorities a future planned disruption scheme should deliver. Our current thinking is based on three future priorities, as discussed below.

- **Support optimal outcomes for passengers and rail freight customers**
  The scheme should recognise the needs of passengers and freight customers (for example, considering the impact of diversionary routes and cancellations), and support GBR decision making with regards to planned disruption. The scheme should encourage GBR to plan and notify operators of any disruption in a timely manner, recognising operators' own train planning processes and the impact on passengers and freight customers.

- **Provide reasonable compensation to parties where they are impacted by planned disruption**
  Non-GBR operators will be offered reasonable and fair compensation for the impacts of planned disruption on GBR's network. In so doing, the scheme should provide useful financial information to GBR regarding operators' costs and losses due to planned disruption.

- **Support the maintenance and renewals of a safe and efficient railway, in a financially sustainable way**
  The scheme should support GBR in securing access to the railway where necessary – for example, to carry out maintenance and renewals, implement speed restrictions for safety reasons, or to introduce emergency timetables. GBR should be encouraged to take its possessions in an efficient manner whilst recognising that not all work (e.g. emergency repairs and maintenance) can be planned in advance but may well still be required.

Discussion point:

What level of detail do non-GBR users consider necessary in the AUP to provide confidence in the structure and priorities of the planned disruption scheme?

4 Policy commitments to non-GBR users

Initial discussions with stakeholders in workshops have initiated helpful discussions about how the AUP can provide protections to non-GBR users of the network – particularly in relation to how GBR will design the charges and performance schemes and make changes to them. These discussions have taken place in the context of GBR assuming responsibility for activities that have before now been led by the ORR. Stakeholders have expressed that the ORR's current role ensures neutrality and protects stability.

To help safeguard this in a reformed railway, our discussions have introduced the concept of GBR making a set of policy commitments to non-GBR users in its AUP. The purpose of these commitments is to formalise the procedural practices that GBR will lead, in a manner that strengthens the current practices led by the ORR. These commitments would inform how GBR designs the future schemes, and how it subsequently makes changes to them.

Our initial conversations with industry about the types of policy commitment that GBR should consider have been structured around three interrelated elements. The first relates to consultation and engagement. GBR would commit to active consultation on proposed changes to the schemes (including methodological changes), ensuring that industry views are considered before decisions are taken. An important consideration here is to provide opportunities for non-GBR users to work with GBR to review the effectiveness of the schemes. In line with stakeholder feedback, any changes would be guided by the principle of "change only within reason" to maintain scheme stability and by proportionate engagement that considers operator resource constraints. Any commitments related to consultation and engagement would be supported by a high-level timeline of activity, showing key milestones and decision points,

Secondly, an area where policy commitments should be considered is the determination of the schemes. Our proposal envisages the publication of a Charges Scheme Statement and Performance Scheme Statement following each Periodic Review. The AUP would commit GBR to publish a description of the methodologies used to calculate scheme parameters, provide commentary on how GBR's decisions support the priorities of each scheme, and set out the impacts of material changes on non-GBR users. Based on stakeholder feedback, the AUP should also explicitly include a commitment that considers collaboration with other infrastructure managers to mitigate adverse cross-border impacts.

The final consideration for policy commitments relates to scheme implementation. The policy factsheets that accompany the Railways Bill emphasise duties on GBR to be fair and non-discriminatory in its decisions. On this basis, we believe the AUP should make clear that GBR must apply the schemes consistently across all non-GBR Operators. To complement this, we have explored how the AUP should commit GBR to provide non-GBR users with advance notice of change before implementation, allowing stakeholders to prepare accordingly. The timescales of which should be explored for inclusion in the AUP, with an opportunity for independent appeals to be heard. A critical area of consideration, raised by stakeholders, is the role of GBR in quality assurance and approvals. The AUP should commit GBR to establishing clear processes, underpinned by transparency, that allow for sector-wide understanding.

Collectively, these proposed policy commitments are intended to protect non-GBR users by providing clarity on how GBR might manage the design and change of the schemes within the framework described in the AUP. Where GBR does not act in accordance with its policy commitments, or indeed with any of the technical scope defined in its AUP, it will be possible for parties outside of GBR to submit an appeal to the ORR.

Discussion point:

How can policy commitments help maintain and strengthen the current industry practices and behaviours? Are there any additional considerations that we should explore?