

By email only

30 September 2026

Dear colleague

Consultation pursuant to an Appeal under Regulation 32 of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 concerning access to the HS1 network

ORR has received an appeal from Trenitalia France (TF) pursuant to Regulation 32 of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 ("the Regulations"). Having reviewed the information submitted, ORR has decided to accept the appeal for consideration under Regulation 32 and to commence the formal appeal process.

This appeal will be determined under the statutory framework set out in Regulation 32. The HS1 Criteria and Procedures provide relevant HS1-specific context but do not replace the statutory appeals process.

Further information on Regulation 32 appeals can be found in Chapter 5 of our [guidance on the 2016 Regulations](#).

Scope of the Appeal

ORR considers that the appeal concerns the process followed by HS1 Limited (London St. Pancras Highspeed, "LSPH") in relation to:

- TF's request for infrastructure capacity and a framework track access agreement on the HS1 network;
- LSPH's consideration and application of its operational integrity requirements;
- the consistency and transparency of LSPH's treatment of TF's request when compared with its treatment of the application made by VTE Holdings Limited ("VTE");
- the process followed by LSPH in identifying, assessing and addressing competing requests for infrastructure capacity;
- the resulting decision to enter into a framework track access agreement with VTE; and
- the adequacy of the relevant provisions of LSPH's Network Statement.

If any party considers that this description does not accurately reflect the subject matter of the appeal, it should notify ORR promptly.

Relationship with earlier appeal

ORR is already considering an appeal brought by Eurostar International Limited (“EIL”) concerning the process followed by LSPH in relation to the allocation of infrastructure capacity on the HS1 network.

There is a significant connection between the two appeals. Both concern LSPH’s process for considering requests for infrastructure capacity in the context of the VTE framework track access agreement and its treatment of existing or prospective competing access requirements. The TF appeal raises additional matters relating specifically to LSPH’s consideration and treatment of TF’s own request for infrastructure capacity, including its operational integrity assessment and the comparison between TF and VTE.

ORR will consider each appeal on its own facts and merits. However, given the overlap in the factual and regulatory issues, ORR intends to coordinate the procedures for the two appeals if and where appropriate. This will help to avoid unnecessary duplication or delay, and support the fair, consistent and efficient determination of the connected issues. Coordination of the procedures does not prejudice the merits or outcome of either appeal.

Requests for Representations and Relevant Information

Pursuant to Regulation 32(5), ORR is inviting comments and relevant information from the parties to the appeal and any other relevant parties identified by ORR. The purpose of this process is to ensure that ORR has before it all information necessary to determine the appeal fairly and in accordance with its statutory duties.

ORR has therefore issued this letter and provided a copy of the appeal to LSPH, as the respondent, TF, as the applicant, and to the following relevant parties:

- VTE OpCo Limited;
- Eurostar International Limited;
- SE Trains Limited;
- East Midlands Railway;
- Gemini Trains;
- Evolyn;
- Eurotunnel;
- SNCF Réseau;
- Infrabel; and
- ProRail.

Any representations and supporting evidence should be submitted by no later than **16 October 2026**. Further consultations will then take place as outlined in the timetable below.

ORR recognises that this provides a shorter initial consultation period than the period allowed for representations in the EIL appeal. We consider that the period is reasonable in the circumstances because the two appeals concern closely connected matters and many of the relevant parties are already considering the common factual and regulatory issues through the EIL appeal process.

The shorter period is therefore intended to avoid unnecessary duplication and delay while providing parties with a fair opportunity to address the additional issues raised by TF. If a party considers that it cannot provide a properly informed response by 16 October 2026, it should contact ORR as soon as possible, explaining the particular reasons and identifying any additional time sought. ORR will consider any such request in light of the need to determine the appeal fairly and without unnecessary delay.

Representations should address:

- the issues raised by the appeal;
- any relevant factual background;
- the process followed and decisions made by LSPH in relation to the matters under appeal;
- to the extent felt necessary or relevant, the relationship between the matters raised by TF and those raised in the EIL appeal;
- any effect on existing or prospective access rights, capacity allocation or operation of the HS1 network; and
- any other matters considered relevant to ORR's determination.

Parties need not repeat material already provided in response to the EIL appeal where that material is also relevant to the TF appeal. They may instead identify that material clearly, explain how it is relevant and provide any necessary supplementary representations addressing the additional grounds raised by TF.

ORR also invites LSPH, as the respondent, to provide a list of any relevant parties not included above, without delay.

Secretary of State Consultation

As required by Regulation 32(6), ORR is also now consulting the Department for Transport (DfT) to invite any observations it wishes to provide on behalf of the Secretary of State relevant to the matters under appeal. In accordance with Regulation 32(7), ORR will consult such parties as we consider appropriate on any representations submitted by or on behalf of the Secretary of State before we make or issue any decisions or directions.

Further Information

ORR may request further information from any party where necessary to determine the appeal. Where additional information is received which raises matters on which

other parties should have an opportunity to comment, ORR may invite further submissions.

Publication and information sharing

Your representations will be copied to TF and published on our website, unless confidentiality is requested and accepted by ORR.

As set out in our guidance, in considering any request for non-disclosure, we generally apply the test set out in section 71(2) of the Railways Act 1993. That test requires us to have regard to the need for excluding from publication, so far as that is practicable, any matter which relates to the affairs of an individual or specifically to the affairs of a particular body where publication of that matter would or might "...in the opinion of [ORR], seriously and prejudicially affect the interests..." of that individual or body. If you believe that any information in your representations should be excluded, you will need to explain when submitting those representations how this meets the criteria under section 71(2) of the Railways Act 1993.

Consistent with ORR's published appeals process, ORR has published the submitted Form R32 on our website, will publish this letter, and invites comments from any other party not listed above which considers itself to be a relevant party in line with the timetable set out below. Any comments received will be considered alongside the formal submissions of the relevant parties listed above.

Timetable

ORR intends to proceed in accordance with the following timetable. This timetable assumes prompt and complete submissions of representations and consultation responses by all parties.

Step	Date
Request for representations letter issued	30 September 2026
Deadline for representations (including from Secretary of State)	16 October 2026
Consult applicant (TF) on respondent (LSPH) representations	23 October 2026
Consult applicant (TF) and respondent (LSPH) on relevant parties' representations	23 October 2026
Further consultation pursuant to Secretary of State representations (if required)	23 October 2026
Deadline for consultation responses	6 November 2026
ORR determination, assuming no further information required after 6 November 2026	By 4 December 2026

ORR may coordinate these stages with the procedure for the EIL appeal where it considers that doing so would be appropriate and we will endeavour to determine this appeal concurrently with the EIL appeal. ORR may amend this timetable if it considers that this is necessary to ensure a fair determination of the appeal.

Decision

Following consideration of all representations and evidence received, ORR will issue a determination setting out its conclusions and any directions made under the Regulations. The determination will be provided to the applicant and respondent and, subject to any confidentiality considerations, published by ORR.

If you have any questions regarding the conduct of the appeal, please contact track.access@orr.gov.uk . We will be publishing this letter on our website.

Yours sincerely,

Martin Jones