A RAILWAY FIT FOR BRITAIN'S FUTURE

Consultation response from Campaign for Better Transport

15 April 2025

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Do you agree that GBR should be empowered to deliver through reformed incentives and a simplified and streamlined regulatory framework?

1.1. We are supportive of proposals to create Great British Railways (GBR), something we have been calling for since 2019. Bringing track and train together under the umbrella of one body, GBR, is a good idea, and will help to achieve the outcomes that government, the industry and passengers need, both for the rail sector and for the wider economy and society.

1.2. We welcome the 'whole system' decision making that the creation of GBR should enable. We discuss the role of other stakeholders on the network below – but a level of centralisation in planning, investment and operations is required to run any railway network. The creation of a more cohesive network that prioritises the needs of passengers, and freight operations, is welcome, as is collaboration with devolved and regional authorities.

1.3. We are supportive of the proposals to move the railway away from conflicting targets within the current system and towards unified objectives on issues like reliability and affordability. The consultation is right to suggest that there is often an encouragement of 'serving the system' before delivering for passengers.

1.4. The reformed incentives must marry up closely with the six objectives outlined under 'a new vision for the railway' in the consultation document – which are: reliability, affordability, efficiency, quality, accessibility and safety.

1.5. Further to this, we also believe that broader incentives around modal shift and integration with the wider transport system need to be at the heart of GBR's thinking – as whilst GBR will only be in charge of rail, there are opportunities for GBR to work collaboratively to promote other modes of sustainable transport for the benefit of passengers, the economy and society.

1.6. The Government's rail policy document, produced in opposition, included a welcome commitment to modal shift targets to reduce emissions from the transport sector (*Getting Britain Moving*, p. 16), recognising that

making public transport a more reliable and attractive choice can result in huge reductions in emissions from journeys. We would welcome a commitment that reformed incentives will include a formal duty on GBR to promote and facilitate modal shift from road to rail – both for passengers and freight – as a core objective.

1.7. We are concerned about how GBR will be held to account on these objectives – particularly given the reformation of the Office of Rail and Road and the status of the Passenger Watchdog which is discussed later in this response. Without strong independent oversight from the ORR and an empowered passenger watchdog, there is a risk that incentives could become politicised, opaque or weakened over time.

1.8. GBR will need to be both operationally and financially efficient, but it is critical that reformed incentives do not result in the prioritisation of cost-cutting at the expense of service quality. To prevent this, safeguards should be embedded either in primary legislation or in GBR's licence, requiring GBR to meet clearly defined service quality and passenger satisfaction standards as part of its statutory duties.

1.9. We believe a number of issues need clarification before the publication of the Bill:

1.9.1. Who will define these incentives?

1.9.2. Will these incentives be published and subject to independent review?

1.9.3. How will GBR's performance against these incentives be monitored and managed?

1.10. With a single public body running both track and train, and with all financial accountability ultimately sitting with the Department for Transport, it is unclear what meaningful performance incentives will exist for GBR beyond the oversight of the Secretary of State and its own board. In the absence of the financial pressures and contractual obligations that exist in public-private partnerships, there is a risk that GBR could operate without strong external drivers for improvement. If low or vague targets are set for performance and reliability, it becomes difficult to identify who

is ultimately responsible for ensuring the body delivers for passengers and freight users and on what basis success will be judged.

1.11. We would be supportive of GBR having a duty to commit to clear performance metrics, assessed annually, working towards an improved and expanded railway network. These metrics should be developed in consultation with devolved leaders, passenger groups, freight operators and other rail stakeholders to reflect national and local priorities. GBR's performance against these incentives must be transparently reported in a way that builds public trust and accountability from the outset.

1.12. As we will discuss below, it is important to ensure that freight operators, Combined Authority services and open access services are not disadvantaged by the framework created.

Do you agree that the Secretary of State should be responsible for issuing and modifying a simplified GBR licence enforced by the ORR, and that the ORR's duties with respect to GBR should be streamlined to reflect the new sector model?

2.1. We agree that the Secretary of State should be responsible for issuing the initial GBR licence, reflecting the government's clear role in setting national rail strategy. However, any future modifications to the licence should be subject to independent scrutiny, public consultation and must not be made unilaterally by the Secretary of State.

2.2. We are concerned about the potential for future unilateral modifications by government. We believe that any material changes to the licence, particularly those affecting performance expectations, access conditions or service quality, should be subject to independent scrutiny. The ORR should have a formal role in reviewing and approving such modifications before they come into effect, to ensure that the licence remains aligned with wider public interest goals. This approach would separate political direction from regulatory oversight and draw on the ORR's technical expertise and independent remit.

2.3. Future governments could change the conditions of the licence based on short-term priorities, rather than the wider, longer-term benefits of passengers and freight operations.

2.4. We are supportive of the principles that the licence should focus on safety, performance, efficiency and passenger experience – and agree that these are core objectives that GBR should work towards. Accessibility should be separated and included within GBR's licence. A better-performing rail network that is inaccessible to large numbers of people would be of limited value.

2.5. The ORR would then retain its enforcement powers and ensure that GBR meets the conditions of its licence. This is a fair separation of power between those that set the rules, and those that enforce them.

2.6. We also believe that streamlining the ORR's role must not mean diminishing its ability to act as an independent guarantor of fairness across the network. The ORR has a critical role to play not just in enforcing GBR's

licence, but in overseeing fair access to the network – particularly for freight, open access operators and devolved services. Any reforms must ensure that the principles of transparency, impartiality and appeal remain intact.

Do you agree that the Secretary of State should be responsible for setting a long-term strategy for GBR to align with government priorities?

3.1. We agree that the Secretary of State should set a broad strategy for GBR, reflecting national priorities, but this must be accompanied by mechanisms for independent review, public consultation and commitments to uphold the key objectives of affordability, accessibility and modal shift. At a minimum, the strategy should be subject to scrutiny by Parliament to ensure it is evidence-led, deliverable, and aligned with long-term goals. There must also be clear mechanisms for holding GBR to account for delivering against this strategy over time.

3.2. Primarily, the consultation outlines that the Secretary of State will set a long-term strategy articulating the Government's vision for rail. Whilst it is widely agreed that the Secretary of State needs to set direction – we are concerned that tight fiscal environments could hamper GBR's ability to deliver services.

3.3. The strategy must be long term, transparent and reasonably protected from short-term political changes or fiscal pressures.

3.4. As discussed below, the strategy should be produced alongside a *Whole Industry Strategic Plan* (also known as a Whole Network Plan) and published. This Plan would seek to 'audit' the entirety of the network to understand where enhancements, improvements and replacements need to be undertaken to best utilise the funding available to GBR. The strategy should also recognise the need to integrate rail with other modes of sustainable and public transport – to maximise the social, economic and environmental benefits that the Integrated National Transport Strategy (INTS) will aim to achieve.

3.5. The strategy should also be produced in coordination with the Devolved Governments, Combined Authorities and Sub-National Transport Bodies (STBs), as well as with freight and open access operators. The new Passenger Watchdog should also have a formal role in reviewing the strategy.

3.6. There must be commitments to passenger affordability, accessibility, reliability (with clearly defined service quality targets) and sustainability. The freight growth target, which has already been established, should be included too.

3.7. There should be a clear, strategic objective for GBR to increase passenger demand and network patronage year-on-year, supporting national goals for economic productivity, decarbonisation and long-term fiscal sustainability. The objective is absent from the consultation, despite its central importance. With the right policies and crucially, investment – as was outlined in a Steer report – rail use could be doubled by 2050, unlocking significant environmental and economic benefits.

3.8. The objective should be clearly articulated within GBR's statutory duties and strategic framework. This would mirror the approach taken in ScotRail's 2024-29 Strategic Plan, which includes a commitment to increasing patronage across the network.

3.9. To ensure that this is not aspirational, this objective should be accompanied by:

3.9.1. Defined performance metrics for annual growth in passenger numbers.

3.9.2. Public reporting requirements on progress, broken down by service type and geography.

3.9.3. Independent oversight, via the ORR and the strengthened Passenger Watchdog, to ensure credible, independent assessment of progress.

3.10. This objective is fundamental for the long-term viability of the railways. This passenger growth will reduce car dependency, help manage congestion and reduce the scale of government funding needed to maintain the railways.

3.11. The strategy should be subject to public consultation, as is required of the Mayor of London in relation to their *Mayor's Transport Strategy* (which is

subject to the Greater London Authority Act of 1999). This strategy should be reviewed and republished every five years.

What are your views on the proposed functions of the Passenger Watchdog?

4.1. We are supportive of attempts to create a ‘one-stop shop’ for passengers through the creation of a Passenger Watchdog.

4.2. Having a single point of contact for passengers to refer to is an important, and welcome addition to the legislation. We welcome the fact that this new authority will sit across a multitude of modes and would welcome further detail on this in the coming months.

4.3. We believe that this Watchdog should have statutory powers, rather than just an advisory role. This body should have the remit to set minimum standards of performance and service, investigate systemic problems (persistent delays, issues of accessibility or poor complaint resolution) and demand change of GBR. The Watchdog should take on consumer protection, which is currently split between the ORR, Ombudsman and Transport Focus.

4.4. The budget for this new body should be independent of the Department for Transport, in line with other regulators to avoid any conflicts of interest. This funding should be ring-fenced and determined by an independent process.

4.5. In order to ensure that the Passenger Watchdog has meaningful influence over GBR, we recommend introducing a formal statutory ‘Duty to Respond’.

4.6. GBR should be legally required to provide a written and published response to any recommendations, findings or reports issued by the Watchdog within a fixed timeframe. This mirrors existing accountability frameworks in the health and social care sector where NHS bodies are required to respond to Healthwatch. A similar requirement would ensure passenger voices are not just heard but acted upon and would create a transparent process for tracking systemic issues across the network.

4.7. All Watchdog activities and findings should be published to ensure accountability.

4.8. Whilst the above is our ambition for the Watchdog, we believe a number of issues need clarification:

4.8.1. Can GBR ignore the Passenger Watchdog's recommendations? This is not clear within the consultation, and we would urge this to be spelled out as required in primary legislation.

4.8.2. Who will hold the Watchdog to account? Is that within the purview of the Secretary of State?

4.9. It is unclear why a watchdog exists for passengers and not for freight. Whilst the freight industry have concerns about access, there are other issues that a 'Freight Watchdog' (or Freight Standards Authority) could assist with.

Which of the approaches would best enable the establishment of the new passenger watchdog?

5.1. We believe that the Statutory Advisor with regulatory functions is the best model for passengers as aforementioned.

5.2. We agree with the recommendation that the Passenger Watchdog should merge with the passenger facing roles of the ORR.

Which of the options to establish the Alternative Dispute Resolution function as part of the passenger watchdog would deliver the best outcome for passengers in your view?

6.1. We support efforts to simplify the passenger complaints landscape and agree that there should be a clear, effective route for unresolved complaints. However, it is vital that the Alternative Dispute Resolution function remains truly independent – both in practice and perception.

6.2. If the Rail Ombudsman (RO) is integrated into the new Passenger Watchdog, it must retain statutory independence, separate governance and an independent budget to avoid any real or perceived conflict of interest. Passengers must be confident that the body resolving disputes is not influenced by GBR or government.

6.3. A hybrid model may offer the best solution – with the Watchdog sponsoring the Ombudsman, but not fully absorbing it – preserving the RO's independent status while allowing closer alignment.

6.4. Regardless of the model, GBR should be required to formally respond to any systemic issues raised through complaints data, and the Ombudsman must have powers to investigate and publish its findings.

Does the proposed new access framework enable GBR to be an effective directing mind that can ensure best use of network capacity?

7.1. Whilst the new access framework might work for the future operations of GBR, we believe that the approach considered is the wrong one – and would urge the Department to reconsider.

7.2. Whilst GBR services will make up a large proportion of the services operating – somewhere between 75% and 80% of all rail traffic – there will be many services on the network that will not be operated by GBR. Freight, open access and devolved services will sit outside of GBR.

7.3. Under the current system, access decisions are made by Network Rail and the ORR. While not perfect, this framework has maintained a level playing field and allowed for the independent scrutiny of applications.

7.4. The proposed shift to GBR controlling access decisions presents a serious risk of bias. There is a danger that GBR-operated services could be prioritised, or that access decisions could be shaped to improve GBR's own performance metrics rather than overall network benefit.

7.5. Whilst the ORR, under the regulations proposed, will have a right to conduct appeals – this will be under the Access and Use Policy (AUP) created by GBR. Whilst we are yet to see the AUP, the principle of independent oversight must remain and should be in the hands of the ORR.

7.6. To the best of our knowledge, this framework of the state organisation regulating access does not exist elsewhere in transport or in any other government regulation.

7.6.1. British Telecom operates under the oversight of Ofcom, ensuring that they provide fair access to its infrastructure for other service providers.

7.6.2. The National Grid is regulated by Ofgem, ensuring that the National Grid promotes competition and efficiency, without favouring its own operations or affiliates.

7.6.3. Slot allocation at UK airports is carried out independently by Airport Coordination Limited, with oversight from the Civil Aviation Authority and the Department for Transport, ensuring that airport operators are not responsible for regulating access to their own infrastructure.

7.7. Independent regulation is not a technical detail, it is central to delivering a fair, trusted and efficient railway. Freight and open access operators, and devolved authorities, must be confident that access decisions are being made in the national interest, not to favour GBR. This principle must be upheld.

What—if any—key access rules and requirements for GBR should be updated and included in legislation?

8.1. We do not believe that the current core access rules require significant change. The existing statutory framework provides long-standing certainty, particularly for freight and open access operators, and already includes robust obligations around fairness, transparency and non-discrimination.

8.2. While GBR's Access and Use Policy (AUP) may have a role in codifying operational detail, this must not water down the protections currently in primary legislation and independent regulation.

8.3. If changes are proposed, they must be consulted upon and subject to independent scrutiny.

8.4. Protections for dispute resolution, access to rail facilities – like depots, and the publication of performance data should be preserved within the current operating model (run by the ORR) rather than delegated to GBR.

Does the proposed role of the ORR acting as an appeals body to ensure fairness and non-discrimination provide sufficient reassurances to operators such as freight and open access wishing to access the GBR-managed network?

9.1. As stated, we do not believe that GBR should regulate its own access decisions. There is a clear conflict of interest in allowing the dominant network operator to determine who else can use the infrastructure, particularly when those operators may be in direct competition. We believe that the ORR should retain its current powers to approve and oversee access decisions, not simply act as an appeals body.

9.2. The proposed appeals-only framework places the burden on operators to challenge GBR after decisions have been made, which is too slow and uncertain, particularly for freight and open access operators. Delays to access can lead to real commercial consequences, lost contracts and damage to the viability of services. The rail freight sector relies on timely, predictable access and would be disproportionately affected by a weakened oversight regime.

9.3. In a constrained fiscal environment, GBR may face pressure to cut less profitable services or prioritise high-margin routes. Without robust, independent oversight at the decision-making stage, this could lead to bad outcomes for passengers.

Do you foresee any unintended consequences of the ORR retaining its existing powers with regard to other infrastructure managers which might affect the smooth passage of trains between the GBR and non-GBR network?

10.1. Under the system proposed, there will be a large proportion of the network that is not under the auspice of GBR, notably infrastructure in Scotland, High Speed 1 and the Core Valley Lines (CVL). If GBR follows one set of rules, and the ORR-regulated networks follow another, there could be delays when transitioning between networks.

10.2. We are particularly concerned about freight services moving from private terminals onto the GBR network, cross border services (including into Wales) and any integration between the traditional network and High Speed 1 (currently served by Southeastern High Speed).

10.3. We are also concerned about how High Speed 2 will interact with the traditional network.

10.4. If the decision is taken for GBR to self-regulate access, operations could face different rules and costs when transitioning between networks.

10.5. Primarily, as aforementioned in previous answers, there is concern that GBR could prioritise its own services – but there are also concerns about the coordination of timetables and the inconsistency of track access charges – which could substantially impact ticket prices, putting people off using the railways.

10.6. If GBR does decide to self-regulate access to the network, there must be legally binding rules for access between networks and a robust dispute resolution mechanism in place.

The government intends to include in primary legislation a power to enable amendments to the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 to ensure consistency between GBR's processes and those used by other infrastructure managers. Do you agree with this approach?

11.1. No, we do not support government giving itself the power to unilaterally amend the Access, Management and Licensing Regulations (AMRs) through secondary legislation. These regulations are a core pillar of rail governance, and any proposals for amendments must be subject to full parliamentary scrutiny and public consultation.

11.2. We are concerned that enabling changes through delegated powers would undermine transparency, democratic oversight and industry confidence, particularly as these rules govern fair access for freight, open access and devolved services.

11.3. Access and licensing rules must be impartial, clear and consistent across the network, especially for services that move between GBR-managed and non-GBR infrastructure.

Do you agree with the proposed legislative approach regarding a 5-year funding settlement for Great British Railways?

12.1. We support the introduction of long-term funding settlements – something that both ourselves and the industry have been calling for. We believe this period should be extended to six to eight years to ensure an appropriate degree of investment certainty for the industry and the wider supply chain.

12.2. There are differences between this proposal and the Control Periods that are currently used, but the greater the certainty that can be given to the industry and the supply chain the better.

12.3. With this, we are concerned about the language in paragraphs 4.5 and 4.11 which make references to financial changes 'in-life'. Whilst supply chain organisations will be better placed to make this representation, we are concerned about the certainty of funding once agreed, which will concern investors and partners alike.

12.4. A legislative guarantee of five (or more) years of funding should be accompanied with clear safeguards against mid-period changes, except in genuinely exceptional circumstances (financial emergencies or similar) and with proper scrutiny, consultation and transparency.

12.5. Any long-term funding settlements should look to work in conjunction with a long-term plan for rail, which we understand is being produced by the Department. This long-term plan should span for a period of 10 to 30 years.

12.6. Most importantly, we believe there must be a statutory requirement to create, and regularly update, a Whole Network Strategic Plan**,** which would audit the network to identify necessary repairs, enhancements and modernisation projects. This would help ensure funding decisions are aligned with long-term priorities and deliver best value.

Do you agree with the legislative approach set out above to retain the Secretary of State's role in securing the overall affordability of fares and continuing to safeguard certain railcard discount schemes?

13.1. Affordability is one of the most pressing concerns for passengers, and we strongly support the inclusion of statutory objectives for affordability and value for money in primary legislation. The consultation paper states that the railway of the future should be affordable "so that prices are kept, wherever possible, at a point that works for both passengers and taxpayers".

13.2. The bringing of rail operations back under public control changes the character of the rail network as a public service, making it more akin to other public services such as health and education. Successive governments have recognised the need for revenue investment to keep bus fares affordable, through the £2 and £3 fare caps. The same approach should now apply to rail travel. If rail reform achieves only one thing, it should be to fix the broken fares structure, and make rail travel more affordable, accessible and attractive to passengers across the country.

13.3. Our research with polling company Yonder found that 44% of people identify affordability as the main barrier to using rail more often. A striking 71% said cheaper fares would make them more likely to travel by train. This is a clear signal: price is a decisive factor in travel choices, and meaningful affordability targets are essential for growing ridership and meeting net zero ambitions.

13.4. We would support the Secretary of State being required to set formal affordability targets and definitions for 'best value', including specific objectives around:

13.4.1. Reducing the average cost of rail compared to other modes such as car travel and short-haul air travel.

13.4.2. Increasing the availability and uptake of flexible tickets.

13.4.3. Expanding pay-as-you-go ticketing and contactless travel.

13.4.4. Ensuring transparency around pricing structures.

13.5. These targets must apply to both passenger and freight users and ensure that rail remains competitive and viable for freight customers in a context of increasing road competition and decarbonisation targets.

13.6. These targets should be reviewed regularly and developed in consultation with passenger groups and regional authorities.

What, if any, safeguards are needed to ensure a thriving and competitive rail retail market while also ensuring GBR can deliver a high-quality offer to its customers?

14.1. We are supportive of the Government taking powers to enable a thriving and competitive rail retail market, provided that these reforms promote competition, innovation and passenger benefit.

14.2. We have been long-standing advocates of simplifying fares and reforming the complexities of the ticketing system. Reform must be implemented in a way that improves outcomes for passengers.

14.3. We believe that a competitive retail market is vital for driving innovation, accessibility and transparency. Private sector suppliers currently offer valuable tools for journey planning, price comparison and other evaluation methods. Their role should be protected and encouraged in the reformed system.

14.4. It is important that any new powers taken by the Secretary of State are time-limited, consulted upon and used to deliver clear improvements to passenger experience and access.

14.5. We would also urge the Government to ensure that any new retail and ticketing framework ensures that access to the data and the systems required to make improvements are shared between GBR and third-party retailers.

14.6. With this, a strong transition strategy must be put into place to ensure that passengers have the ability to continue to use their normal means of purchasing until GBR is established. This should include clear public communication and the continuity of existing platforms during the transition.

The government intends that GBR's statutory duty in relation to devolved leaders should strike a balance between enhancing their role whilst also ensuring that GBR has the appropriate flexibility to direct the national network. Do you agree with this approach?

15.1. We have long been supporters of allowing Combined Authorities to run their own rail services. The example that has been set by Merseyrail, the London Overground and the Elizabeth Line proves unambiguously that Combined Authorities can run rail services as well, if not better, than national authorities. All three lines are amongst the most popular and punctual on the network.

15.2. As is the case with bus, metro services, light rail and other modes, traditional rail services can become fully integrated with local networks under this model.

15.3. We are supportive of attempts by Transport for London to request to run Southeastern's metro services, Great Northern services from Moorgate and Transport for Greater Manchester plans to bring eight metro lines under their control.

15.4. To this effect, we are concerned about the independence of access decisions on the tracks, given that GBR is likely to prioritise its own services.

15.5. We recognise too that there is an inherent tension between freight services and passenger traffic, as well as between local and intercity traffic – and thus believe that a strong regulator having the final word on access to the tracks is important.

15.5.1. This will also be important when High Speed Two services rejoin the existing network and will need paths onto the West Coast Main Line and into Manchester Piccadilly. Although it is our hope that a new line and improvements to the existing station will have been green lit by then.

15.6. Clarification, however, is needed on the funding arrangements that will come from central government. We would support Combined Authorities' view that these funding pots need to come from outside of GBR's core funding. This funding should be ringfenced.

15.7. While we welcome the Government's intention to streamline the process for devolution of services to Mayoral Combined Authorities, it is unclear whether this constitutes a genuine statutory right to request services or simply a 'simplified route' to control.

15.8. We would urge the Government to put in primary legislation a clear pathway for MCAs to take on local services – not a discretionary one dependent on Secretary of State approval alone.

15.9. Finally, the criteria that will be applied in judging how the 'balance' will be struck between the interests and priorities of devolved leaders and those of the wider network should be published and subject to public consultation and any decisions to grant or withhold devolution of services should be clearly linked to passenger benefit, and GBR should be required to explain its rationale when approving or rejecting a request.

Do you agree with the proposed approach in Scotland on enabling further collaboration between track and train while preserving the devolved settlements?

16.1. Campaign for Better Transport does not cover Scottish Affairs, and we therefore do not take a view on these matters.

Do you agree with the proposed approach in Wales on enabling further collaboration between track and train while preserving the devolved settlements?

17.1. We are supportive of the approach outlined in the consultation, to enable further collaboration with the Welsh government, whilst respecting the current devolution settlement. Transport for Wales already plays a leading role in shaping rail services, and we would welcome measures that allow for greater integration and local accountability.

17.2. We welcome the recognition of the importance of working with the Welsh Government and agree that this should continue to be done in a way that enables joint decision-making and better outcomes for passengers.

Do you agree with the government's approach of making targeted amendments to existing legislation to clarify the role of devolved leaders in relation to GBR?

18.1. We support the principle of strengthening the role of devolved leaders in the rail network and welcome the intention to clarify their responsibilities in legislation.

The government intends to create a new delegated power that would enable the Secretary of State to update, amend or revoke provisions in TDLCR and related assimilated law in Great Britain, subject to public consultation. Do you agree with this approach?

19.1. This is not an area which we cover as an organisation and thus do not feel qualified to comment on this aspect of the legislation.

Please provide evidence on anticipated transitional or ongoing costs or benefits for you or your business resulting from these proposals. For example, please provide evidence on the scale of transitional costs associated with familiarising with the new proposals and structure, changes to administrative burden resulting from these proposals, or any other direct impacts associated with the proposed changes

20.1. As we are an NGO, we do not have a position on this.