

Louise Beilby
Senior Executive



5 December 2023

Alexis Xoufarides
Customer Manager
Network Rail Infrastructure Limited
4th Floor
George Stephenson House
Toft Green
York
YO1 6JT

Matt Green
Director of Safety, Compliance and
Operations
NYMR PLC
Pickering Station
Pickering
North Yorkshire
YO18 7AJ

Dear Alexis and Matt,

Approval of the 37th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and NYMR PLC (trading as North Yorkshire Moors Railways) dated 18 January 2007

We have today approved the above supplemental agreement submitted to us formally on 5 December 2023 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to:

- extend the expiry date in the parties' track access contract from Principal Change Date (PCD) 2023 to 31 March 2028. The new expiry date aligns with North Yorkshire Moors Railways Regulation 5 Certificate of Exemption relating to the operation of hinged door rolling stock
- Change the operator name from North Yorkshire Moors Railway Enterprises PLC to NYMR PLC
- Relinquish unused access rights.

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Industry consultation

Network Rail undertook the usual industry consultation from 8 August to 7 September 2023. Transport Focus replied saying that they had no comment. Northern requested clarification on the use of access rights in the contract and Network Rail provided that clarification.

ORR review

We had a number of minor queries but these were resolved. There is a long standing anomaly in one of the tables in Schedule 5 and we agreed with the parties that this anomaly should be reviewed when new timetables are discussed in 2024. We identified a minor drafting issue in the agreement and this was resolved when the agreement was formally submitted.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.



Yours sincerely

A handwritten signature in black ink, appearing to read 'Louise Beilby', is positioned below the text 'Yours sincerely'. The signature is written in a cursive style with a long horizontal stroke at the end.

Louise Beilby