

Claire Brooks
Access Executive



6 August 2025

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

Matt Bell
Operating Manager
North Yorkshire Moors Railway
Pickering Station
Pickering
North Yorkshire YO18 7AJ

Dear Alexis and Matt,

Approval of the 40th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and NYMR PLC (trading as North Yorkshire Moors Railway) dated 17 January 2007.

We have today approved the above supplemental agreement submitted to us formally on 5 August 2025 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 give protection to two contingent Sunday rights between Grosmont and Whitby (in both directions). This change is by way of converting two current Sunday contingent rights to firm, so reducing the contingent to two. The other change is relinquishing one firm right on a weekday and Saturday, so services will align with quantum rights.

These changes commence at the Principal Change Date in December 2025 and will cease at the end of the current contract, 31 March 2028.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Transport Focus who had no comments, Great Western Railway who had no concerns and Northern Trains who had no issues.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues, and these were 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

Claire Brooks