

Steve Jones
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19 December 2019

Karen Byatt
Network Rail Infrastructure Limited
4th Floor George Hudson House
Toft Green
York
YO1 6JT

Liz Parkes
Head of Operations
North Yorkshire Moors Railway
Pickering Station
Pickering
YO18 7AJ

Dear Karen and Liz

Approval of the 33rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and North Yorkshire Moors Railway Enterprises PLC (NYMR)

1. We have today approved the above supplemental agreement submitted to us formally on 17 December 2019 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 our decision.
2. The agreement extends the duration of 2 additional paths between Whitby and Grosmont on weekdays and Saturdays from 31 December 2019 until the Subsidiary Change Date 2020. The extension to May 2020 only is due to the pending conclusion of the controlled emission toilets commercial agreement between the parties.
3. Network Rail undertook the usual industry consultation and received responses from West Coast Railways and Transport Focus. West Coast Railways queried the impact this application would have on its Whitby charter services. NYMR responded to say that the service proposed is the same as the current service operated and so there will be no impact. Transport Focus supported the application.
4. Our review of the application identified no other operational, performance or economic concerns that should preclude our approval of the application.
5. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport. 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. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

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