

Louise Beilby
Access Executive
Telephone: 0207 282 2076
E-mail: louise.beilby@orr.gov.uk



10 August 2020

Karen Byatt
Customer Manager
Network Rail Infrastructure Ltd
4th Floor, George Stephenson House
Toft Green
York
YO1 6JT

Liz Parkes
Head of Operations and Safety
North Yorkshire Moors Enterprises PLC
Pickering Station
Pickering
YO18 7AJ

Dear Karen and Liz

Approval of the 35th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and North Yorkshire Moors Enterprises PLC dated 17 January 2007

We have today approved the above supplemental agreement submitted to us formally on 7 August 2020 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 grant to extend the expiry date of a number of contingent rights from the Principal Change Date 2020 until the Principal Change Date 2021. This will enable North Yorkshire Moors Railway to continue to operate up to 12 services per year between Sheringham and Cromer on behalf of North Norfolk Railway. The rights are to commence on PCD 2020 and will expire on the Expiry Date or earlier termination of North Yorkshire Moors Railway's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No comments were received except for an expression of support from Transport Focus.



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 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

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby