

**Michael Albon**  
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2 April 2019

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

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

Dear Karen and Liz

**Approval of the 32nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and North Yorkshire Moors Railway Enterprises PLC (jointly, “the parties)**

1. We have today approved the above supplemental agreement submitted to us formally on 22 March 2019 under section 22 of the Railways Act 1993 (the Act).
2. This agreement corrects an error made in the PR18 review notice relating to the indexation of the variable usage charge in Schedule 7 of the parties’ Track Access Contract. A slightly different indexation formula should have been applied to reflect the variable usage charge rate for North Yorkshire Moors Railway Enterprises PLC will be phased and capped over CP6. The amendments shall be applied retrospectively from 1 April 2019.
3. No industry consultation was undertaken as the changes do not have any material impact on any other operating company.
4. 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)).



5. 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.

6. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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 be 'M Albon', is positioned below the text 'Yours sincerely'.

**Michael Albon**