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23 August 2018

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  
Ltd  
Pickering Station, Pickering  
YO18 7AJ

Dear Karen and Liz

**Approval of the 27th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and North Yorkshire Moors Railway Enterprises Limited (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 22 August 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

2. This agreement amends Schedule 5 in the parties' Track Access Contract to permit the following:

- convert existing contingent rights to firm rights for 2 additional services between Grosmont and Whitby on Weekdays and Saturdays
- amend existing firm rights between Glaisdale and Whitby to between Grosmont and Whitby; and
- amend existing contingent rights between Glaisdale and Battersby to between Grosmont and Battersby.

3. Network Rail undertook the usual industry consultation and received one response from Transport Focus supporting the application.

4. Our review identified no performance or economic issues and we are satisfied that approval is in accordance with our Statutory Duties under Section 4 of the Railways

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Act 1993. We identified some minor drafting issues and highlighted these to the parties with our recommended suggestions. The parties accepted our comments and amended the agreement accordingly for the formal submission.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. 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 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 'Michael Albon', written over a horizontal line.

**Michael Albon**