

**Jonathan Rodgers**  
Senior Executive



19 April 2023

Mark Garner  
Customer Manager  
Network Rail Infrastructure Ltd  
George Stephenson House  
Toft Green  
York  
YO1 6HT

Keith Swallow  
Head of Finance and Commercial  
South Yorkshire Supertram Ltd  
Nunnery Depot  
Woodbourn Road  
Sheffield  
S9 3LS

Dear Mark and Keith

**Approval of the 7th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and South Yorkshire Supertram Limited dated 4 May 2018**

We have today approved the above supplemental agreement submitted to us formally on 18 April 2023 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 amend the expiry date of the contract from the Subsidiary Change Date 2023 to 1 April 2028 and also make some administrative changes resulting from the operations of South Yorkshire Passenger Executive being passed, from 31 March 2023, to the South Yorkshire Mayoral Combined Authority.

**Industry consultation**

Network Rail conducted the usual industry consultation from 21 February to 21 March 2023 and no issues were raised.

## **ORR review**

We had no concerns about the changes made but there were some drafting issues. The application form P was submitted without the formal declaration being signed and both the supplemental agreement and the consolidated contract submitted contained an out of date Network Rail registered office address. These matters were corrected in the formal submission.

## **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

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers', written in a cursive style.

**Jonathan Rodgers**