

December 2020

Variation of Independent Waters Networks Limited's appointment to include Yardley Road, Milton Keynes

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On 30 September 2020, Ofwat began a [consultation on a proposal](#) to vary Independent Water Networks Limited's ("**Independent Water Networks**") appointment in order to become the water services provider for a development in Anglian Water Services Limited's ("**Anglian Water**") water services area called Yardley Road, Milton Keynes ("**the Site**").

The consultation ended on 28 October 2020. During the consultation period, we received three representations, which we considered in making our decision. On 12 November 2020, we granted Independent Water Networks a variation to its existing appointments to enable it to supply water services to the Site.

This notice gives our reasons for making this variation.

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1. Introduction

The new appointment and variation mechanism, specified by Parliament and set out in primary legislation, allows one company to replace the current company as the provider of water and/or sewerage services for a specific area. This mechanism can be used by new companies to enter the market and by existing companies to expand into areas where they are not the appointed company. In this case, Independent Water Networks applied to replace Yorkshire Water to become the appointed water company for the Site.

A company may apply for a new appointment (or a variation of its existing appointment to serve an additional site) if any of the following three criteria are met:

- None of the premises in the proposed area of appointment is served by the existing appointed company at the time the appointment is made (the “**unserved criterion**”);
- Each premises is likely to be supplied with at least 50 mega litres per year (in England) or at least 250 mega litres per year (in Wales) and the customer in relation to each premises consents (“**the large user criterion**”); or
- The existing water supplier in the area consents to the appointment (“**the consent criterion**”).

When considering applications for new appointments and variations, Ofwat operates within the statutory framework set out by Parliament, including our duty to protect consumers, wherever appropriate by promoting effective competition. In particular, in relation to unserved sites, we seek to ensure that the future customers on the site – who do not have a choice of supplier – are adequately protected. When assessing applications for new appointments and variations, the two key policy principles we apply are:

1. Customers, or future customers, should be no worse off than if they had been supplied by the existing appointee; and
2. We must be satisfied that an applicant will be able to finance the proper carrying out of its functions as a water and/or sewerage company.

Entry and expansion (and even the threat of such by potential competitors) can lead to benefits for different customers (such as household and business customers and

developers of new housing sites). Benefits can include price discounts, better services, environmental improvements and innovation in the way services are delivered.

Benefits can also accrue to customers who remain with the existing appointee, because when the existing appointee faces a challenge to its business, that challenge can act as a spur for it to improve its services. We believe the wider benefits of competition through the new appointments and variations mechanism can offset any potential disbenefits for existing customers that might arise. We consider these potential disbenefits in more detail below.

2. The application

Independent Water Networks applied to be the water services provider for the Site under the unserved criterion set out in section 7(4)(b) of the Water Industry Act 1991 (“**WIA91**”). Independent Water Networks will serve the Site by way of a bulk supply agreement with Anglian Water.

2.1 Unserved status of the Site

To qualify under the unserved criterion, an applicant must show that at the time the appointment is made, none of the premises in the proposed area of appointment are served by the existing appointee.

The Site is a greenfield site. Independent Water Networks has provided correspondence from Anglian Water indicating that the Site is not currently served by public water infrastructure and that Anglian Water considers the Site to be unserved.

Given the information provided by the application and the incumbent water company, we are satisfied that the Site is unserved.

2.2 Financial viability of the proposal

We will only make an appointment if we are satisfied that the proposal poses a low risk of being financially non-viable. We assess the risk of financial viability on a site-by-site basis and also consider the financial position of the company as a whole.

Based on the information available to us, we concluded the Site demonstrates sufficient financial viability, and Independent Water Networks has satisfied us that it can finance its functions and that it is able to properly carry them out.

2.3 Assessment of ‘no worse off’

With regard to service levels, we have reviewed Independent Water Network's Codes of Practice and its proposed service levels and compared these to the Codes of Practice and the performance commitments of Anglian Water. Based on this review, we are satisfied that customers will be offered an appropriate level of service by Independent

Water Networks and that overall customers will be 'no worse off' being served by Independent Water Networks instead of by Anglian Water.

2.4 Effect of appointment on Anglian Water's customers

In considering whether customers will be no worse off, we also looked at the potential effects of this variation on the charges that Anglian Water's existing customer base may face.

The calculation necessarily depends on a range of assumptions, and there are clearly difficulties involved in quantifying the effect on Anglian Water's customers. It is therefore necessary to use a simplified set of figures. We have expressed the effect in 'per bill' terms to try and quantify the possible effect in an easily understandable way. Broadly, we have assessed the potential magnitude of this impact by comparing how much Anglian Water might have expected to receive in revenue from serving the Site directly, were it to serve the Site, with the revenues it might expect from the proposed arrangement with Independent Water Networks.

In this case, we have estimated that if we grant the Site to Independent Water Networks, the bills of Anglian Water's existing water customers will increase by £0.001.

This impact does not take into account the potential spillover benefits to customers arising from dynamic efficiencies achieved as a result of the competitive process to win new sites.

2.5 Developer choice

Where relevant, we take into consideration the choices of the site's developer. In this case, the developer – Bovis Homes and Taylor Wimpey – said that it wanted Independent Water Networks to be the water services company for the Site.

3. Responses received to the consultation

We received three responses to our consultation: from the Consumer Council for Water (“**CCW**”), the Drinking Water Inspectorate (“**DWI**”) and the Environment Agency. The DWI had no comments to make. The EA made a general comment. We considered these responses before making the decision to vary Independent Water Networks' appointment. The points raised in the CCW response and EA are set out below.

3.1 CCW

CCW states that in general it considers that new appointees should provide consumers with prices, levels of service and service guarantees that match or ideally better those of the incumbent water company. Overall, CCW agrees with our assessment that customers will be no worse off in terms of service by Independent Water Networks rather than Anglian Water.

In relation to levels of service, CCW notes that Anglian Water's standards. For example in many instances Independent Water Networks offers increased compensation in the event of not meeting service commitments.

CCW notes that Independent Water Networks is not able to offer its financially vulnerable customers a social tariff in the way that the incumbent company does, although it will offer the standard WaterSure tariff for qualifying customers. It agrees that, given its relatively small size and customer base, it may be appropriate for Independent Water Networks to tailor some of the services that it provides. Until it can provide a formal social tariff, it expects Independent Water Networks to offer appropriate flexible support to any individual in financial difficulty who would otherwise benefit from a social tariff. This should not be at the expense of its other customers. It would expect Independent Water Networks to research the views of its customers on any proposed cross-subsidy before introducing any social tariffs.

In relation to charging CCW comments that whilst the application states that Independent Water Networks will match Anglian Water's charges, its Charges Scheme for 2020-21 continues its voluntary policy of charging 2.5% less than the incumbent's volumetric charges for the 2020-21 charging year. Any customers who move into the Site before April 2021 will therefore benefit from this reduction. CCW welcomes this discount, but notes it is unclear if it will continue beyond this charging year. It notes that under these arrangements, customers may be temporarily better off than they would have been if Anglian Water had served them but the long-term price benefits are unclear. CCW states that it will be disappointed if the discount is not applied in future

years. CCW noted our estimate that the variation would result in a negligible increase of in the water bills of Anglian Water's existing customers, but notes it is unclear whether there will be any significant benefits arising from this arrangement for the incumbents' customers.

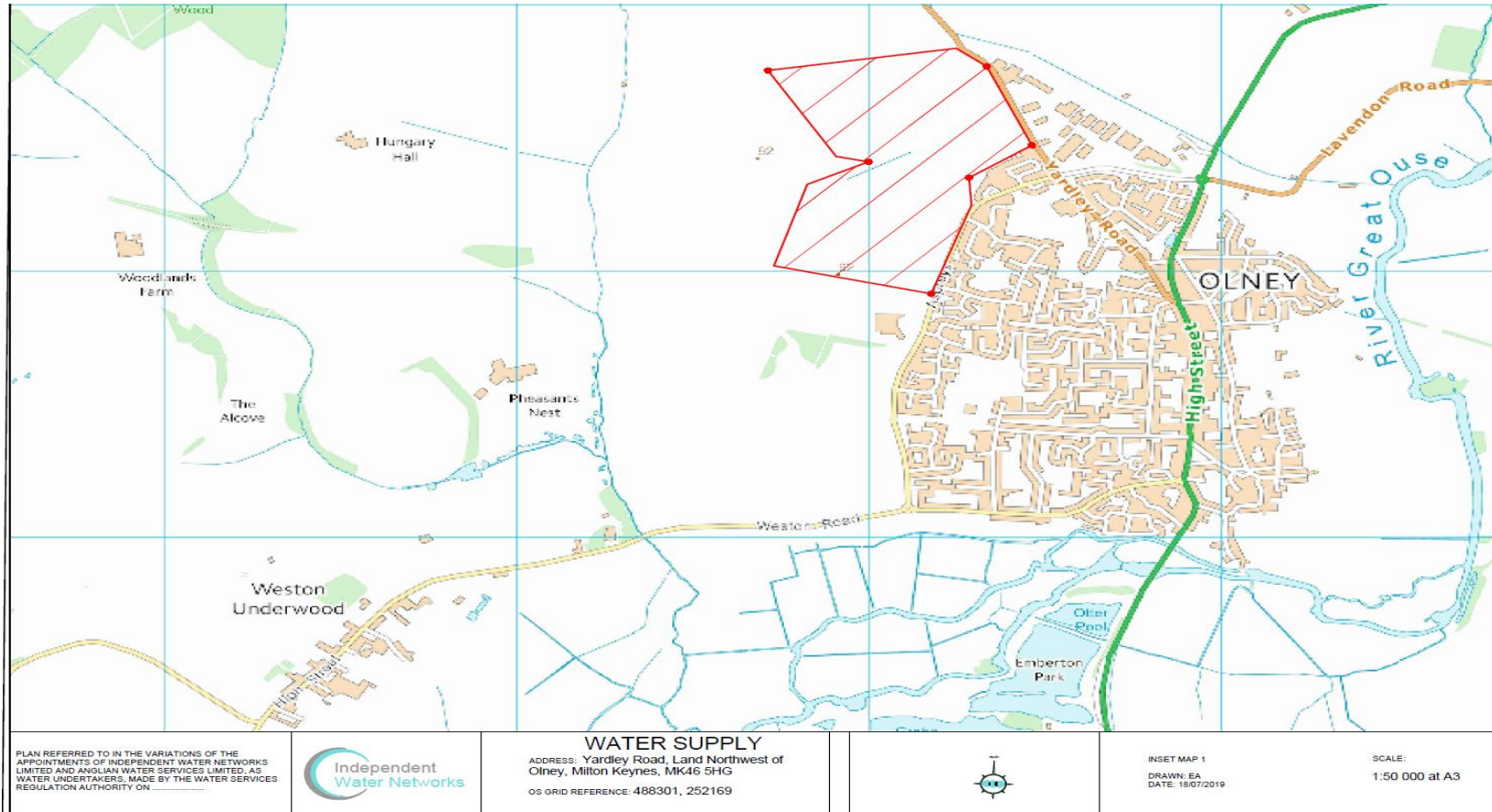
3.2 EA

As a general comment the applicant needs to ensure that the supply from the incumbent can be provided without causing deterioration in the Water Framework Directive status of surface and/or groundwater bodies.

4. Conclusion

Having assessed Independent Water Networks' application, and having taken account of the responses we received to our consultation, we decided to grant a variation to Independent Water Networks' area of appointment to allow it to serve the Site for water services. This appointment became effective on 13 November 2020.

Appendix 1: Site Map



**Ofwat (The Water Services Regulation Authority)
is a non-ministerial government department.
We regulate the water sector in England and Wales.**

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