

May 2021

Variation of Independent Water Network's appointment to include Stewartby Phase 5 in Bedfordshire

About this document

Variation of Independent Water Networks Limited's appointment to include Stewartby Phase 5 in Bedfordshire.

On 25 January 2021, [Ofwat began a consultation on a proposal](#) to vary Independent Water Network Limited's ("**Independent Water Networks**") appointment to become the water provider for a development in Anglian Water Services Limited's ("**Anglian Water**") water supply area called Stewartby Phase 5 in Bedfordshire ("**the Site**").

The consultation ended on 22 February 2021. During the consultation period, we received representations from three organisations, which we considered in making our decision. On 29 March 2021, we granted Independent Water Networks a variation to its existing appointment to enable it to supply water 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 Anglian 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”**);
- The existing water and sewerage 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 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

Independent Water Networks is applying for a variation based on the unserved criterion. 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 is served by the existing appointee.

Anglian Water has provided a letter, dated 23 November 2020, confirming that, in its view, the Site is unserved. This is due to the fact that Anglian Water has not identified any served properties for water services on the Site.

A site map which was attached to the applicant's application confirmed that there are currently no properties on the Site. Having considered the information from the applicant and the incumbent we consider 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'

Independent Water Networks will match the charges of Anglian Water.

With regard to service levels, we have reviewed Independent Water Networks' 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's Water's customers

In considering whether customers will be no worse off, we also looked at the potential effects of this variation on the price 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 customers of Anglian Water. 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 calculated that if we grant the Site to Independent Water Networks there will be no impact on the water bills of Anglian Water's existing customers.

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 developer. In this case, the developer, Persimmon Homes East Midlands, said that it wanted Independent Water Networks to be the water company for the Site.

3. Responses received to the consultation

We received responses to our consultation from two organisations: the Consumer Council for Water (“**CCW**”), Environment Agency and Drinking Water Inspectorate (“**DWI**”). We considered these responses before making the decision to vary Independent Water Networks' appointment. The DWI confirmed that it had no comments about the application.

The points raised in the Environment Agency and CCW responses are set out below.

3.1 Environment Agency

The Environment Agency confirmed it had no objections to the consultation and requested that the following comments be passed to Independent Water Networks:

- The Environment Agency encourages all developers and water suppliers to aspire to the 110 l/h/d (water efficiency) optional requirement from part G of the Government (Ministry of Housing, Communities & Local Government) Building regulations for England.
- Independent Water Networks should ensure that discussions take place to ensure supply from the incumbent can be provided without causing deterioration in the Water Framework Directive status of surface and/or groundwater bodies.

In response to the latter point, Independent Water Networks and Anglian Water confirmed the development will be supplied by Grafham Water Treatment Works which is supplied by Grafham reservoir. This is supported by direct river abstraction from the River Great Ouse at Offord and naturally fed by the Diddington Brook. The reservoir does not a specified peak daily licence but together with Clapham and Foxcote Reservoir (currently not in service) it forms the Great Ouse Group licence which is constrained to abstraction of 120,000 Ml/yr or 328.9Ml/d.

Together with the Pitsford group and Rutland group licences this forms the Ruthamford group licence which limits abstraction to support Wing, Morcott, Clapham, Pitsford, Saltersford and Foxcote to 225,000 Ml/yr (616.4Ml/d). The demand from the Site will not cause Grafham Water Treatment Works to exceed its group licence and therefore no deterioration of the relevant surface and/or groundwater bodies.

The Environment Agency confirmed to Ofwat that it had no additional comments following this receipt of this further information.

3.2 CCW

CCW stated that in general it expects new appointments and variation appointees to match or ideally better the incumbent's prices, service levels and service guarantees.

CCW noted its disappointment that there is no direct financial benefit to customers from having Independent Water Networks as their water provider as it proposes to charge customers on the same basis as Anglian Water. CCW did however recognise that Independent Water Networks offers discounts to customers who take up e-billing or pay by direct debit.

CCW considers that Independent Water Networks generally matches or exceeds Anglian Water's service levels. For example, Independent Water Networks offers increased compensation for low water pressure, or failing to read a meter once a year and offers a free leakage repair service on customers' external supply pipes. Therefore, overall CCW supports the application.

CCW noted that Independent Water Networks will not be able to offer a social tariff to financially vulnerable customers in the way Anglian Water does, but will offer the standard WaterSure tariff for qualifying customers. CCW states 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. CCW set out its expectation that Independent Water Networks would offer appropriate, flexible support to any customer in financial difficulty who would otherwise have benefitted from a social tariff and that this should not be at the expense of its other customers. CCW expects Independent Water Networks to research the views of its customers on any proposed cross-subsidy before introducing any social tariffs.

CCW noted our conclusion that Anglian Water's existing customers would see no increase in their water bills as a result of the variation. However, CCW questions the value of the new appointment and variation regime if it cannot deliver benefits to customers. It notes that there is no evidence of significant benefits to the existing customers of Anglian Water.

Our response to CCW's comments

One of our key policies is that customers should be no worse off if a new appointment and variation is granted. That is, an applicant must ensure its new customers are made no worse off in terms of charges and service than if they had been supplied by the previous appointee. We do not require applicants to better the service and price of previous incumbents.

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. This appointment became effective 30 March 2021.

Appendix 1: Site Map



PLAN REFERRED TO IN THE VARIATIONS
OF THE APPOINTMENTS OF INDEPENDENT
WATER NETWORKS LIMITED AND
ANGLIAN WATER SERVICES LTD, AS
WATER UNDERTAKER, MADE BY THE
WATER SERVICES REGULATION
AUTHORITY ON 29/03/21

ADDRESS: STEWARTBY PHASE 5, BEDFORD,
MK43 9PN
OS GRID REFERENCE: 502606, 242224

SCALE: 1:2500
DRAWN BY: MM
DATE: 05/11/2020

0 100 200 m

**STEWARTBY PHASE 5
WATER SUPPLY
INSET MAP 2**

PROJECT: ...



**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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