

October 2021

## **Variation of Independent Water Network Limited's appointment to include Broomhill Farm, Hucknall in Nottingham**

## About this document

### **Variation of Independent Water Networks Limited's appointment to include Broomhill Farm, Hucknall in Nottingham**

On 16 August 2021, Ofwat began a consultation on a proposal to vary Independent Water Networks Limited's ("Independent Water Networks") appointment to become the water supply and sewerage services provider for a development in Severn Trent Water Limited's ("Severn Trent Water") water supply area and sewerage services area called Broomhill Farm, Hucknall in Nottingham ("the Site").

The consultation ended on 15 September 2021. During the consultation period, we received responses from three organisations, which we considered in making our decision. On 28 September 2021, we granted Independent Water Networks a variation to its existing appointment to enable it to supply water and sewerage services to the Site.

This notice gives our reasons for making this variation.

## Contents

About this document	1
1. Introduction	3
2. The application	5
3. Responses received to the consultation	7
4. Conclusion	9
Appendix 1: Site Maps	10

## 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 Severn Trent Water to become the appointed water and sewerage 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 and sewerage services appointee 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 bulk supply and discharge agreements with Severn Trent 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 is served by the existing appointee.

Severn Trent Water has provided a letter, dated 18 March 2021, confirming that, in its view, the Site is unserved. Independent Water Networks has also provided maps which show that there are no existing buildings on the Site.

Having reviewed the facts of the Site, and taking into account the letter from Severn Trent Water, we consider the Site to be 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 Severn Trent 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 Independent Water Networks’. 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 Severn Trent Water.

## 2.4 Effect of appointment on Severn Trent 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 Severn Trent 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 Severn Trent 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 Severn Trent 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, we estimate there would be no increase on the annual water and sewerage bills of existing Severn Trent Water 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, Bellway Homes (East Midlands), said that it wanted Independent Water Networks to be the water and sewerage company for the Site.

### 3. Responses received to the consultation

We received three responses to our consultation: from the Environment Agency, the Drinking Water Inspectorate (“**DWI**”) and the Consumer Council for Water (“**CCW**”). We considered these responses before making the decision to vary Independent water Networks’ appointment.

The DWI and had no comments to make with regard to the consultation.. The points raised in both the Environment Agency's response and in CCW's response are set out below.

#### 3.1 The Environment Agency

The Environment Agency had no objections, but made an observation relating to water stress in Severn Trent's area, requesting that Independent Water Networks should not wait for the update to their Water Resources Management Plan to implement necessary changes

#### 3.2 CCW

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

CCW noted that Independent Water Networks proposes to charge customers on the same basis as Severn Trent Water. It is disappointed that there will be no direct financial benefits to customers on the Site from having Independent Water Networks as their water and sewerage provider. However CCW notes that Independent Water Networks offers discounts to those customers who are able to and opt to take up e-billing or pay by direct debit.

CCW considers that Independent Water Networks generally matches or exceeds Severn Trent Water's levels of service. By way of example, it noted that Independent Water Networks offers greater compensation for low water pressure or for failing to read a meter once a year. Independent Water Networks also offers a free leak repair service on customer's external supply pipes.

However, CCW noted that Independent Water Networks will not be able to offer its financially vulnerable customers a social tariff in the way that Severn Trent Water does, although it will offer the standard Water Sure tariff. CCW states that given the relatively small customer base, it may be appropriate for Independent water Networks to tailor some of its services. CCW expects Independent Water Networks to offer appropriate flexible support to any individual in financial difficulty, who would otherwise benefit from a social tariff which should not be at

the expense of other customers. CCW would expect Independent Water Networks to research the views of its customers on any proposed cross-subsidy before introducing any social tariffs.

CCW notes our estimate that there will be no cost to Severn Trent Water's customers as a result of the variation. But it notes that it is unclear whether there will be any significant benefits for these customers from the arrangement. CCW questions the value of the NAV regime if it cannot deliver benefits for customers.

### **Our response to CCW's comments**

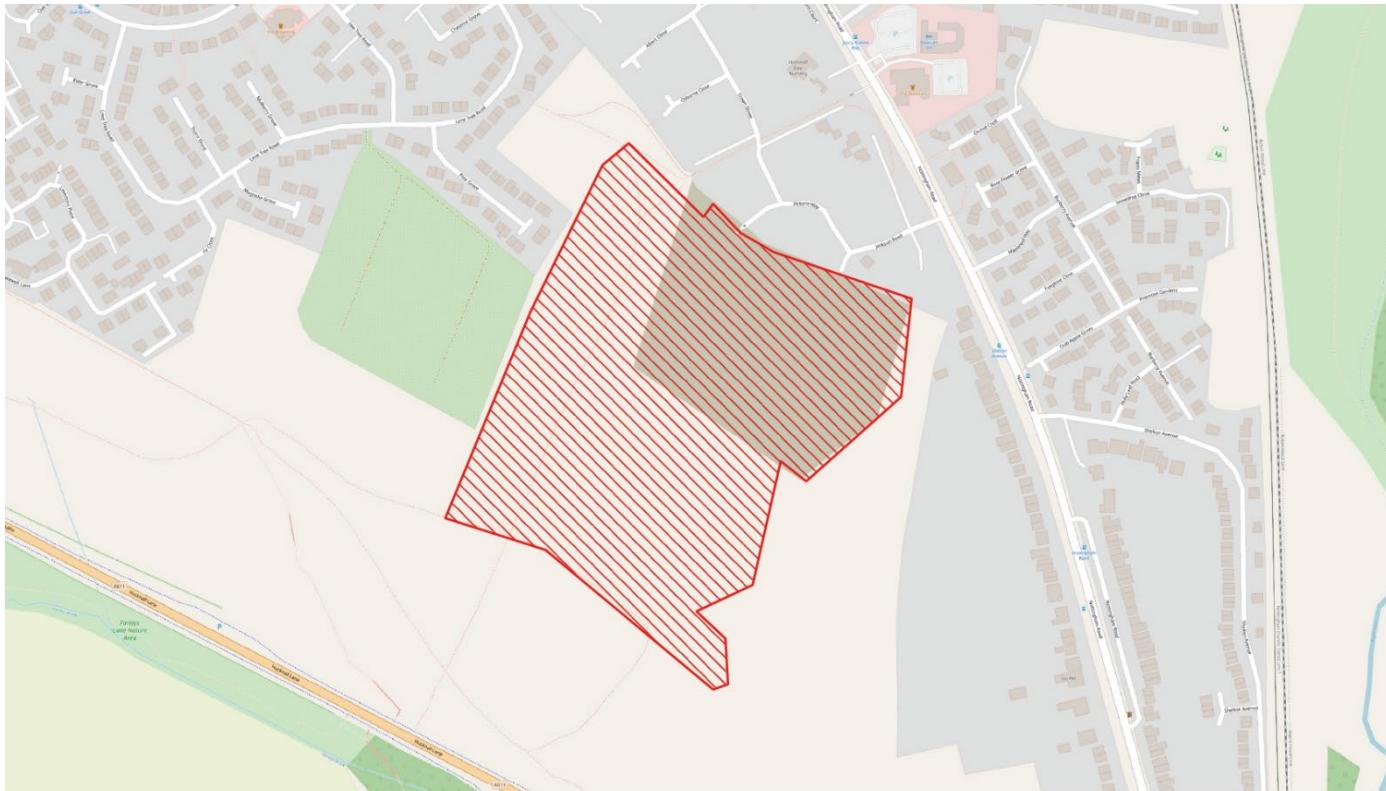
One of our key policies when considering NAV applications, is that customers should be no worse off if a new appointment and variation is granted. That is, an applicant must ensure its new customers are made no worse off in terms of charges and service than if they had been supplied by the previous appointee. 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 and sewerage services. This appointment became effective on 29 September 2021.

## Appendix 1: Site Maps

### Water Boundary



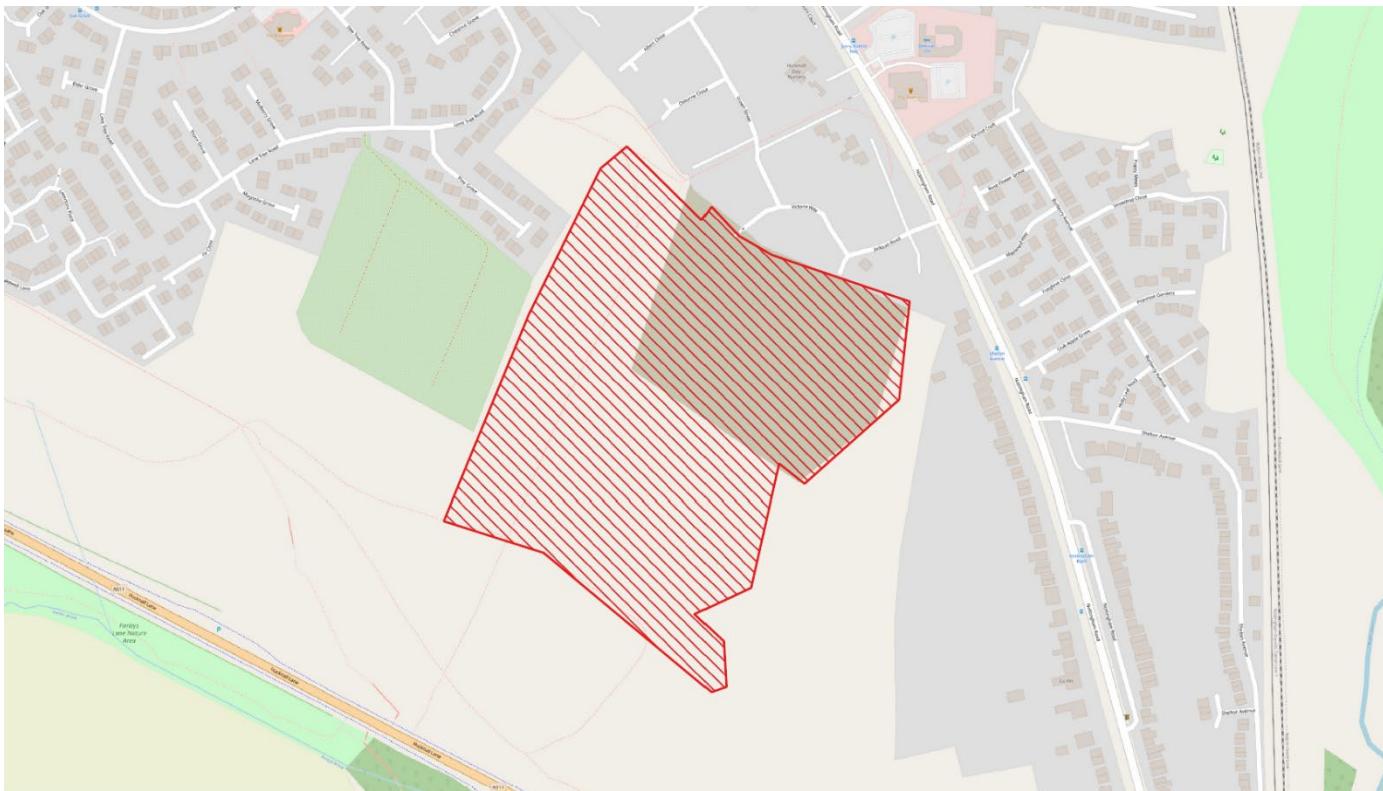
PLAN REFERRED TO IN THE VARIATIONS  
OF THE APPOINTMENTS OF INDEPENDENT  
WATER NETWORKS LIMITED AND SEVERN  
TRENT WATER LIMITED, AS WATER  
UNDERTAKERS, MADE BY THE WATER  
SERVICES REGULATION AUTHORITY ON...  
29/09/21 *JLJ*

ADDRESS: BROOMHILL FARM, NOTTINGHAM ROAD,  
HUCKNALL, NOTTINGHAM, NG15 7PY  
OS GRID REFERENCE: 454114, 347679

SCALE: 1:4000  
DRAWN BY: CS  
DATE: 31/03/2021

0 75 150 m  
BROOMHILL FARM INSET WATER  
MAP 1

## Sewerage Boundary



PLAN REFERRED TO IN THE VARIATIONS  
OF THE APPOINTMENTS OF INDEPENDENT  
WATER NETWORKS LIMITED AND SEVERN  
TRENT WATER LIMITED, AS SEWERAGE  
UNDERTAKERS, MADE BY THE WATER  
SERVICES REGULATION AUTHORITY ON...

29/09/21

ADDRESS: BROOMHILL FARM, NOTTINGHAM ROAD,  
HUCKNALL, NOTTINGHAM, NG15 7PY  
OS GRID REFERENCE: 454114, 347679

SCALE: 1:4000  
DRAWN BY: CS  
DATE: 31/03/2021

JLJ

0 100 200 m

BROOMHILL FARM INSET SEWERAGE

MAP 1



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

Ofwat  
Centre City Tower  
7 Hill Street  
Birmingham B5 4UA  
Phone: 0121 644 7500

© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3).

Where we have identified any third party copyright information, you will need to obtain permission from the copyright holders concerned.

This document is also available from our website at  
[www.ofwat.gov.uk](http://www.ofwat.gov.uk).

Any enquiries regarding this publication should be sent to  
[mailbox@ofwat.gov.uk](mailto:mailbox@ofwat.gov.uk).

