

16 December 2021

Variation of Independent Water Networks Limited's appointment to include Firbeck Colliery, Worksop

About this document

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On 5 January 2021, Ofwat began a [consultation on a proposal](#) to vary Independent Water Networks Limited's ("**Independent Water Networks**") appointment to become the water supplier for a development in Severn Trent Water Limited's ("**Severn Trent**") water supply area called Firbeck Colliery, Worksop in Nottinghamshire ("**the Site**").

The consultation ended on 8 February 2021. During the consultation period, we received representations from three organisations, which we considered in making our decision. On 14 December 2021, we granted Independent Water Networks a variation to its existing appointment 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 Severn Trent 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 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 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 a bulk supply agreement with Severn Trent.

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.

The Site is brownfield and aerial photographs show there are existing buildings within the Site boundary. We asked Independent Water Networks whether a property located in the centre of the Site had been disconnected and Independent Water Networks confirmed that it had been disconnected and is being demolished. Severn Trent confirmed, in a letter dated 7 December 2021, that it considers the Site to be unserved.

Independent Water Networks notified us, in an email of 8 December 2021, that the Site boundary had been altered from that on which we consulted, to exclude a substation in the north west corner of the Site. We have considered whether this late amendment alters our assessment of the application and proposal to make the variation and concluded that it does not.

Having considered the facts of the Site, the information provided by Independent Water Networks and Severn Trent, we are satisfied that this Site is unserved for water services.

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 that the Site will not materially impact the financial viability of Independent Water Networks, 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 proposes to charge customers on the Site charges that are equivalent to the charges of Severn Trent.

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 Severn Trent. 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.

2.4 Effect of appointment on Severn Trent'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 Severn Trent'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. 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 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 would be no impact on the annual water bills of Severn Trent'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, Keepmoat Homes Limited, said that it wanted Independent Water Networks to be the water company for the Site.

3. Responses received to the consultation

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

The DWI and Environment Agency had no comments to make with regard to this consultation and did not have any objections. The points raised in the response from CCW are set out below.

3.1 CCW

CCW states that in general it expects applicants for a new appointment and/or variation (“**NAV**”) to exceed or at least match the incumbent's prices, service levels and service guarantees. This is particularly true for developments that include domestic housing, as household customers cannot choose or switch supplier.

Independent Water Networks' application stated that it will charge customers on the same basis as Severn Trent. In its response to the consultation, which ended on 8 February 2021, CCW comments on Independent Water Networks voluntary policy of charging 2.5% less than Severn Trent's volumetric charges for the 2020-21 charging year. CCW states it will be disappointed if this discount does not continue in the current charging year (2021-22) but notes that Independent Water Networks offers discounts to customers who take up e-billing or pay by direct debit.

CCW considers that Independent Water Networks' service levels generally exceed Severn Trent's, so overall CCW supports the application. For example, Independent Water Networks offers increased compensation for a number of service failures, some additional service guarantees, and more frequent billing.

CCW notes that Independent Water Networks will not be able to offer a social tariff to financially vulnerable customers in the way Severn Trent 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 sets 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 notes our conclusion that Severn Trent's existing customers would see no increase in their water bills as a result of the variation but questions the value of the NAV regime if it cannot deliver benefits to customers. It notes that there is no evidence of significant benefits to the existing customers of Severn Trent.

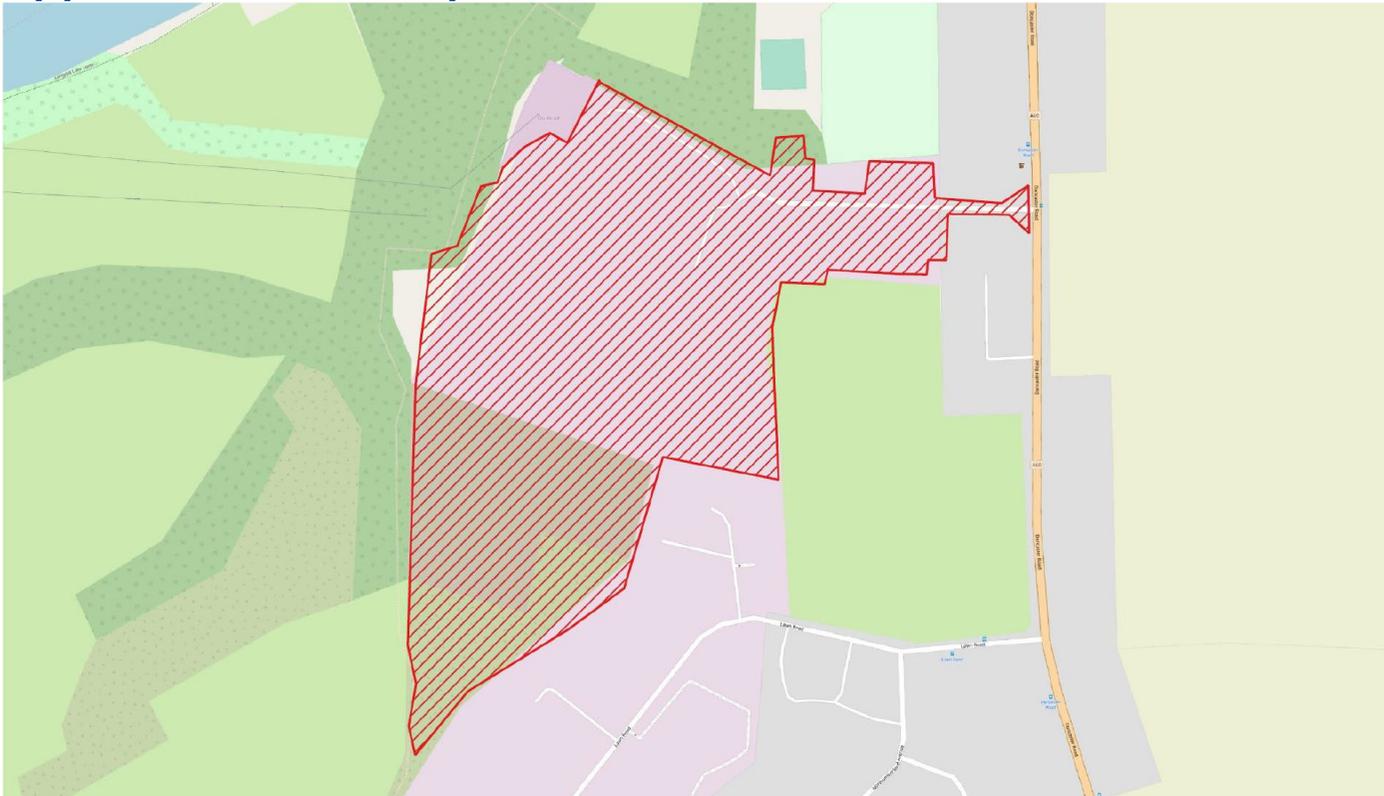
Our response

One of our key policies is that customers should be no worse off if a NAV 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 services. This appointment became effective on 15 December 2021.

Appendix 1: Site Map



PLAN REFERRED TO IN THE VARIATION OF THE APPOINTMENTS OF INDEPENDENT WATER NETWORKS LIMITED AND SEVERN TRENT WATER LIMITED, AS WATER UNDERTAKERS, MADE BY THE WATER SERVICES REGULATION AUTHORITY ON ...
14 December 2021

ADDRESS: FIRBECK COLLIERY, WORKSOP,
NOTTINGHAMSHIRE, S81 9QS
OS GRID REFERENCE: 458338, 385967

SCALE: 1:4000
DRAWN BY:CS
DATE: 29/11/2021

0 100 200 m



**FIRBECK COLLIERY
WATER SUPPLY
INSET MAP 1**



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is a non-ministerial government department.
We regulate the water sector in England and Wales.**

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