

July 2022

Variation of Icosa Water Services Limited's appointment to include Grasmere Gardens, Whitstable

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On 9 May 2022, Ofwat began a [consultation](#) on a proposal to vary Icosa Water Services Limited ("Icosa Water") appointment to become the sewerage services provider for a development in Southern Water Services Limited ("Southern Water") sewerage services area called Grasmere Gardens, Whitstable ("the Site"). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 6 June 2022. During the consultation period, we received representations from two organisations, which are summarised in Section 1 of this document.

We will only make an appointment or variation if our assessment concludes that the application meets the criterion it has been made under; that customers or future customers on the site will be no worse off than if the site had been served by the existing appointee; and if the applicant will be able to finance the proper carrying out of its functions as a water and/or sewerage company. As set out in our consultation we are satisfied this is the case. The responses we have received to the consultation have not changed that view.

Having assessed Icosa Water's application and having taken account of the responses we received to our consultation, we decided to grant a variation to Icosa Water's area of appointment to allow it to serve the Site for sewerage services. This appointment became effective on 6 July 2022.

The Site map for the variation can be found in Section 2 of this document.

The Variation Notice legally making the variation can be found in Section 3 of this document.

1. Responses received to the consultation

We received responses to our consultation from two organisations the Consumer Council for Water (“**CCW**”) and the Environment Agency. We considered these responses before making the decision to vary Icosa Water's appointment. The points raised in CCW's response are set out below.

CCW response

In general, CCW expects that new appointments and variations (“**NAVs**”) should bring benefits to customers on the proposed NAV site, such as matching or improving the pricing, levels of service or service guarantees. This is particularly true for developments that include domestic housing, as household customers cannot choose or switch supplier.

CCW is disappointed that there is no direct financial benefit to customers from having Icosa Water as their provider of sewerage services, as Icosa Water intends to match the charges of Southern Water. CCW notes that Icosa Water generally matches or exceeds the service standards of Southern Water. Therefore, CCW supports this application as it notes that customers will no worse off in terms of the service that they receive or the price that they pay.

CCW notes that due to the relatively small size of its customer base, Icosa Water does not currently offer a social tariff to financially vulnerable customers in the way Southern Water does, but it will offer the standard WaterSure tariff for qualifying customers. CCW states that until Icosa Water can provide a formal social tariff, it is appropriate for it to tailor some of the services that it provides. CCW sets out its expectation that Icosa Water 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 notes that by matching Southern Water's charges Icosa Water already benefits from the cross-subsidy that Southern Water's customers pay to support its social tariff.

CCW notes our assessment that, as a result of the variation, there would be potential increase of £0.01 on the annual sewerage bills of existing Southern Water customers. Whilst CCW said it appreciates that this is a negligible amount, it notes that it is unclear whether there will be any significant benefits to the existing customers of Southern Water and questions the value of the NAV regime if it cannot deliver benefits to all customers.

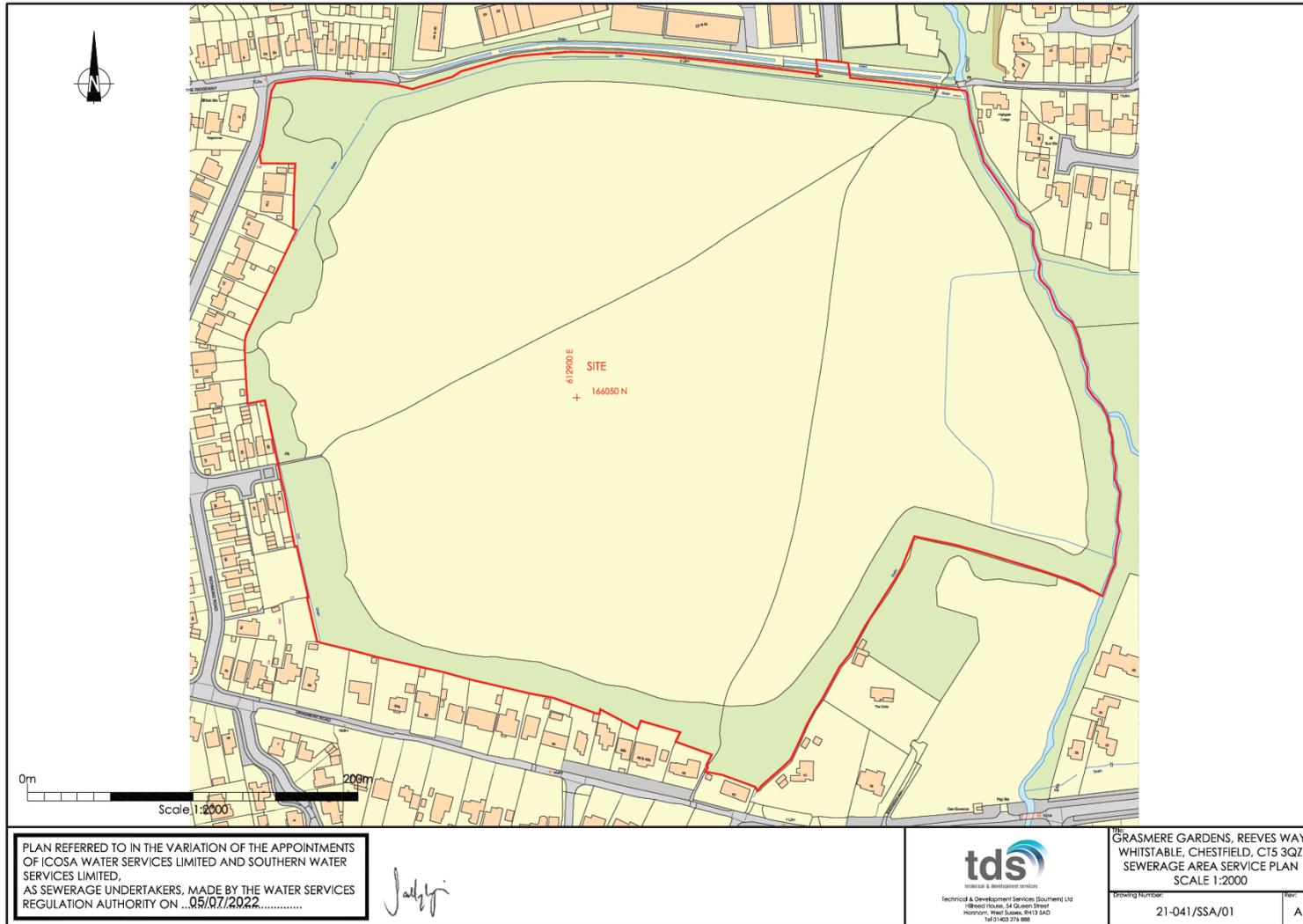
Our response

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.

Vulnerable customers may not be aware of the social tariff that would be available to them if they were served by the incumbent rather than by the applicant. It is the responsibility of the Icosa Water to identify and protect vulnerable customers on the Site. Although the applicant does not offer a social tariff, it should ensure customers will be no worse off.

2. Site Map



3. Variation Notice

**WATER SERVICES REGULATION AUTHORITY
WATER INDUSTRY ACT 1991, SECTIONS 6 TO 9**

Variation of the Appointments of Icosa Water Services Limited and Southern Water Services Limited Sewerage Undertakers

Made on 5 July 2022
Coming into effect on 6 July 2022

1. Icosa Water Services Limited ("Icosa Water") and Southern Water Services Limited ("Southern Water") hold Appointments as sewerage undertakers for their respective areas ("the Appointments").¹ The areas to which the Appointments of Icosa Water and Southern as sewerage undertakers relate ("Sewerage Services Area") are set out in their Instruments of Appointment.
2. The site called Grasmere Gardens, Whitstable, which is shown edged in red on the plan attached to this variation, ("the Site") is within Southern Water's Sewerage Services Area. The Site is being developed by Kitewood Estates Limited.
3. Icosa Water has applied under section 7(4)(b) of the Water Industry Act 1991 ("the Act") for a variation of its Appointment as a sewerage undertaker to include the Site and for a consequential variation of Southern Water's Appointment to exclude the Site.
4. On 27 June 1995, the Secretary of State for the Environment and the Secretary of State for Wales acting jointly and pursuant to sections 6(1) and 7(2) of the Act authorised the Director General of Water Services² to make variations such as those contained in paragraph 5 below. After public consultation, as required by section 8 of the Act, the Water Services Regulation Authority has decided that it should grant Southern Water's application.
5. Therefore, as provided by sections 7(2) and 7(4)(b) of the Act, and with the agreement of Kitewood Estates Limited, the Water Services Regulation Authority **varies**—
 - (a) the Appointment of Icosa Water as a sewerage undertaker so that the Site is included in Icosa Water's Sewerage Services Area; and

¹ Icosa Water's original Appointment as a sewerage undertaker was made by the Secretary of State for the Environment under sections 11 and 14 of the Water Act 1989, now replaced by sections 6 and 11 of the Water Industry Act 1991. Icosa Water's original Appointment was made by the Water Services Regulation Authority under sections 6 and 11 of the Water Industry Act 1991.
² With effect from 1 April 2006 the functions of the Director General of Water Services were transferred to the Water Services Regulation Authority in accordance with section 36 of, and Schedule 3 to, the Water Act 2003.

(b) the Appointment of Southern Water as a sewerage undertaker so that the Site is excluded from Southern Water's Sewerage Services Area.

Signed for and on behalf of the Water Services Regulation Authority



Sally Irgin
Director of Enforcement

**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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