

July 2022

Proposal to grant a variation of appointment to Independent Water Networks Limited – Land East of Kenilworth, Kenilworth

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	Details
Applicant	Independent Water Networks Limited (“ Independent Water Networks ”)
Site Details	Land East of Kenilworth, Glasshouse Lane, Kenilworth, Warwickshire, CV8 2LB (“ the Site ”)
Services	Water and Sewerage
Current water & sewerage appointee	Water and sewerage appointee: Severn Trent Water Limited (“ Severn Trent Water ”)
Proposed supply arrangements	Bulk supply and discharge agreement with Severn Trent Water
Criterion	Unserved
Household Customer	620
Business Customers	0
Developer	Vistry Partnerships Limited
Estimated Site completion date	01/2032
Summary of consultation	A statutory consultation made under section 8(3) of the Water Industry Act 1991 (“ WIA91 ”) to grant Independent Water Networks a variation to its appointment as a water and sewerage company. To also vary the appointment of Severn Trent Water as a water and sewerage company. Consequently, Independent Water Networks will become the water and sewerage company for the Site.
Deadline for submissions	<p>Representations or objections to this consultation should be sent by email to Licensing@ofwat.gov.uk or in writing and sent to the NAV licensing team, Centre City Tower, 7 Hill Street, Birmingham, B5 4UA.</p> <p>Reponses must be received by Ofwat no later than 17.00 hours on 16 August 2022.</p>
<p>Further information about how to make representations or objections, including information on the treatment of confidential information, can be obtained from Ofwat at the above address or at http://www.ofwat.gov.uk/foi/.</p> <p>Ofwat will only use the information you have provided for the purpose of this consultation. We will retain your information in accordance with Ofwat’s retention schedule and will not share with third parties unless we have a legal obligation to do so. For further information please see Ofwat’s Privacy Policy in our Publication Scheme.</p>	

1. Our assessment of this application

Our approach

The new appointment and variation mechanism set out in primary legislation¹, provides an opportunity for entry and expansion into the water and sewerage sectors by allowing one company to replace the existing appointee 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 appointees to expand their businesses.

You can find further details of our approach to assessing applications for New Appointments and Variations ("NAVs") [here](#).

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 3 March 2022, confirming that, in its view, the Site is served for water and sewerage services, as there is an existing connection on the Site. Severn Trent Water has advised upon receipt of updated disconnection evidence, it will review the Site status.

Independent Water Networks is aware that we can only grant a variation based on the unserved criteria, if the Site is unserved when the variation is granted. Independent Water Networks will provide updated unserved status confirmation from Severn Trent Water and evidence that all existing connections have been demolished, before a decision is made on granting this variation.

Having taken account of the facts of the Site, the letter from Severn Trent Water and the upon receipt of the above confirmation, we consider the Site will be unserved when the variation is granted.

¹ The legal framework for new appointments is set out in the WIA91. Section 7 of the WIA91 sets out the criteria by which an appointment or variation may be made. Section 8 sets out the procedure for making that appointment or variation.

Price

Independent Water Networks proposes to at least match the charges to customers on the Site to those of Severn Trent Water. It will offer a 2.5% discount against Severn Trent Water's charges, with this discount being reviewed annually. It also offers a discount to customers who opt in to e-billing and paying by direct debit.

Levels of service

Every appointee is required under its licence conditions to publish and make available the Core Customer Information for its household customers. We have assessed Independent Water Network's proposed Customer Code of Practice, and our view is that it is of an appropriate standard. Our view is that customers on the Site would be no worse off in relation to the scope of Independent Water Networks' proposed Customer Code of Practice than they would be if Severn Trent Water were to be the customers' water and sewerage company.

Stakeholder engagement

We take the view of the Environment Agency, the Drinking Water Inspectorate², and the Consumer Council for Water ("CCW") into account before progressing to formal consultation on an application for a NAV.

The Environment Agency informed us that it is content for us to consult on this application. The Environment Agency also asked that Independent Water Networks note that discharge from the Site should not commence until foul drainage capacity has been confirmed by Severn Trent Water and any required improvements to the sewer network and/or receiving sewerage treatment works have been made.

The Drinking Water Inspectorate is satisfied that Independent Water Networks understand the obligations under the Water Industry Act 1991 (as amended), the Water Supply (Water Quality) Regulations 2016 (as amended) and the Water Industry (Suppliers' Information) Direction 2021. The Drinking Water Inspectorate therefore raise no comments or objections to Ofwat proceeding to consultation and decision for applications submitted by Independent Water Networks.

As part of the application process Ofwat has engaged with CCW. CCW's position is that NAVs should bring benefits to customers on the proposed NAV site. CCW expects NAV Appointees to provide consumers with prices, levels of service or service guarantees that match or, ideally, better those of incumbent water and/or sewerage companies. CCW has stated that it is

² The Environment Agency as well as the Drinking Water Inspectorate will also be formally consulted on the proposals, as they are on the list of organisations which must be formally consulted as set out in section 8(4)(b) of WIA91.

satisfied that Independent Water Networks, as an established NAV Appointee, offers customers on its NAV sites prices and levels of service which match or better those offered by the incumbent water and/or sewerage companies which would otherwise serve the Site. CCW agrees with Ofwat's assessment that customers on the Site will be no worse off if served by Independent Water Networks and so, overall, supports the proposed variation of appointment.

CCW has also considered the impact on an incumbent's existing customers when a NAV site is approved. It notes that in many cases there is a potential cost on the annual water and/or sewerage bills of these customers. While this cost is negligible on an individual site basis, CCW is unclear of the wider benefits of the NAV regime for incumbents' customers, particularly as the number of sites in each incumbent area increases and the cumulative cost rises.

Impact on existing customers

In considering whether customers will be no worse off, we also considered the potential effects of this variation on the prices 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. It is therefore necessary to use a simplified set of figures. We have expressed the effect in 'per bill' terms to try to quantify the possible effect in an easily understandable way.

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.

We estimate a potential £0.01 annual increase on each of the water and sewerage bills of existing Severn Trent Water customers if we grant this variation to Independent Water Networks. This is once the Site is fully built out.

This estimate does not take into account the potential spill-over benefits to customers arising from dynamic efficiencies achieved as a result of the competitive process to win sites.

Therefore, we consider that granting this variation to Independent Water Networks would have a small financial impact on customers' bills and could have potential benefits for customers.

Ability to finance and properly carry out its functions

We have a statutory duty to ensure that efficient appointees can finance the proper carrying out of their functions. When a company applies for a new appointment or variation, it must

satisfy us that it is able to carry out all of the duties and obligations associated with being an appointed water or sewerage company.

We have considered the financial position of Independent Water Networks in relation to providing water and sewerage services to the Site, and we are satisfied the company demonstrates sufficient financial viability.

Independent Water Networks has an unlimited Keepwell agreement from its owner Brookfield Utilities UK Limited (“BUUK”) in July 2013.

Independent Water Networks has confirmed that this agreement is still in place and will cover this proposed new site. BUUK continues to hold an investment grade credit rating with Moody’s.

On this basis, we are currently satisfied that Independent Water Networks would be able to finance its functions if the variation is granted.

2. Conclusion and next steps

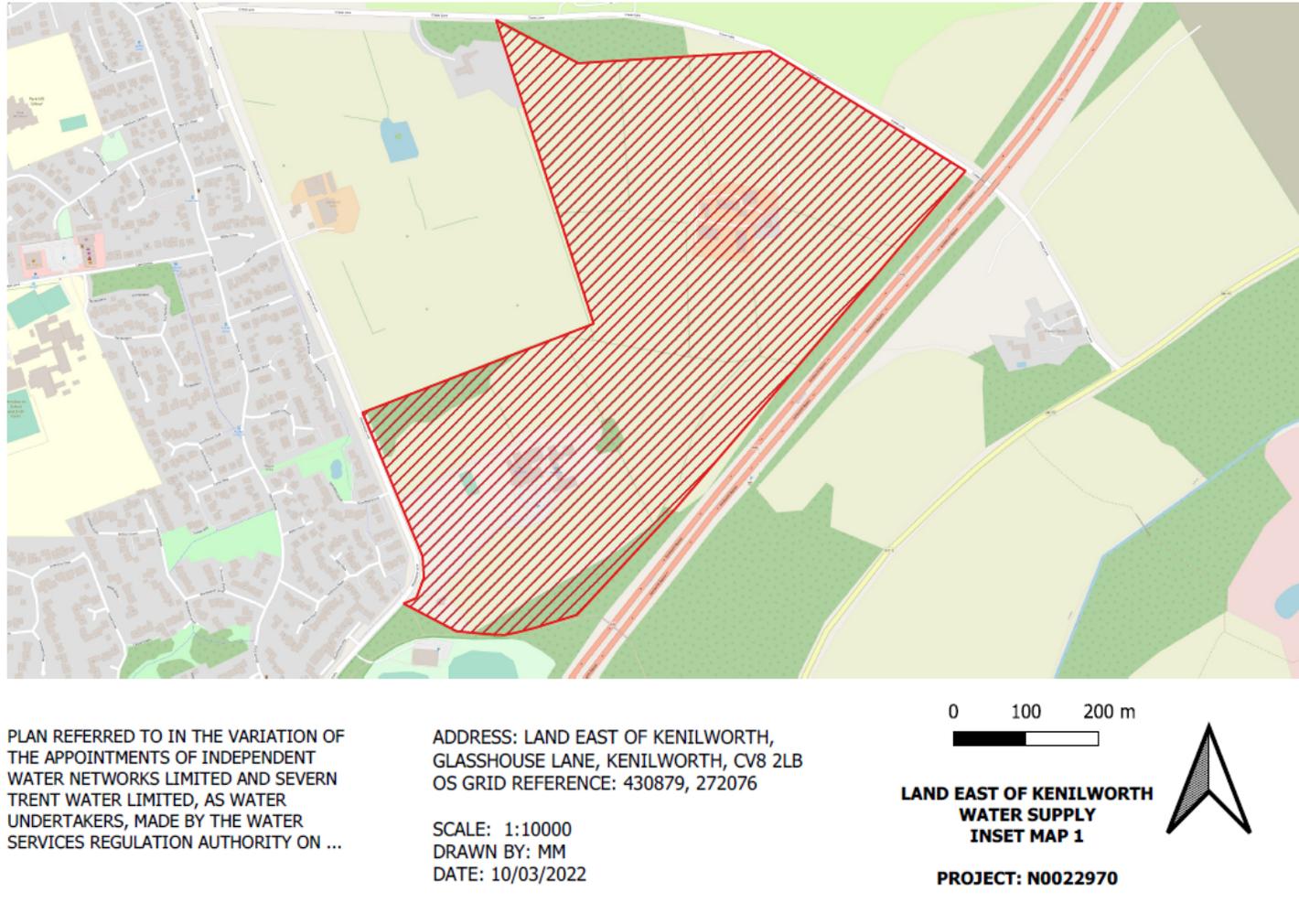
In assessing Independent Water Networks application, we have considered the general benefits of new appointments and variations. Our view is that our two key policy principles would be met in this case, as customers would be no worse off, and Independent Water Networks would be able to finance, and carry out, its functions. We have also considered the effects of granting the proposed variation on the existing customers of Severn Trent Water.

We are currently minded to grant the variation under the unserved criterion, upon receipt of the updated unserved confirmation of the Site, that all existing connections have been demolished and the Environment Agency is happy with the foul drainage capacity on the Site.

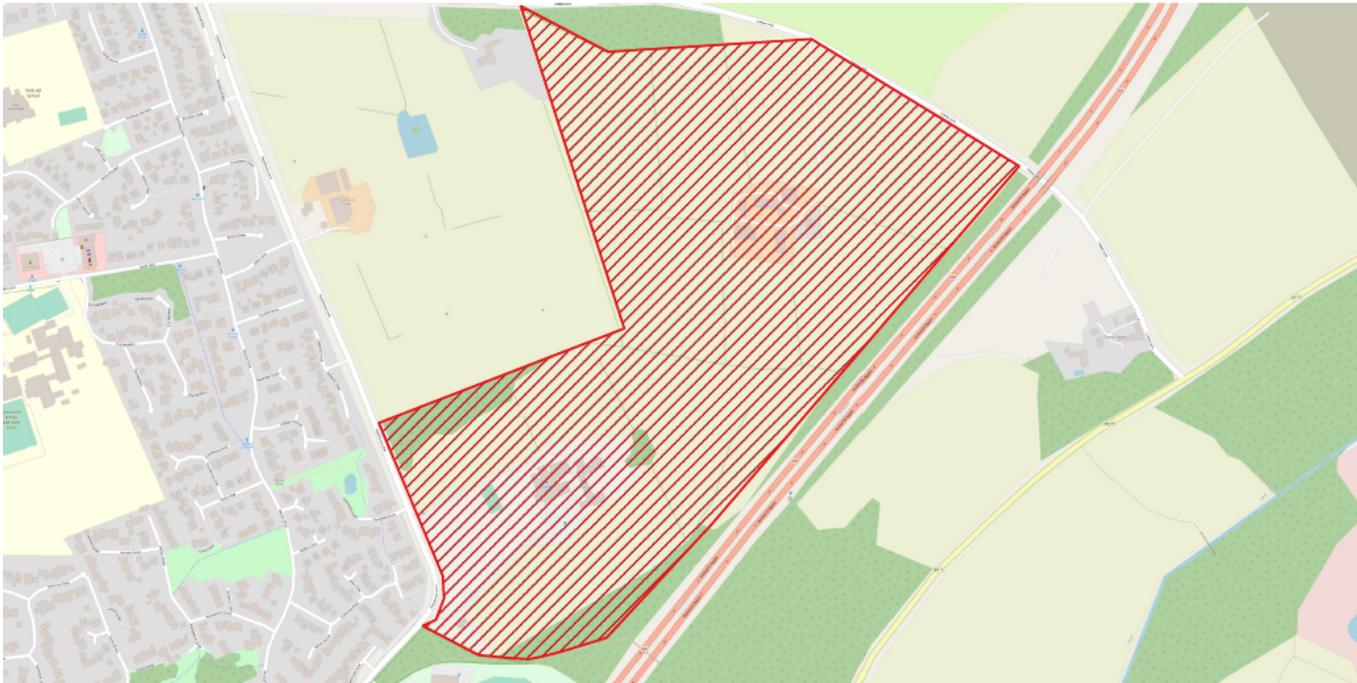
Subject to considering any representations submitted during the consultation period in response to this consultation notice, Ofwat will decide whether or not to grant the variation of appointment set out above.

3. Site maps

Water



Sewerage



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

ADDRESS: LAND EAST OF KENILWORTH, GLASSHOUSE LANE, KENILWORTH, CV8 2LB
OS GRID REFERENCE: 430879, 272076

SCALE: 1:10000
DRAWN BY: MM
DATE: 10/03/2022

0 100 200 m



**LAND EAST OF KENILWORTH
SEWERAGE UNDERTAKERS
INSET MAP 1**

PROJECT: N0022970



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

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