

July 2022

**Proposal to grant a variation of  
appointment to Independent Water  
Networks Limited to include the site  
Pemberton Colliery, Wigan**

Proposal to grant a variation of appointment to Independent Water Networks Limited to include the site Pemberton Colliery, Wigan

	Details
<b>Applicant</b>	Independent Water Networks Limited (“ <b>Independent Water Networks</b> ”)
<b>Site Details</b>	Pemberton Colliery, Wigan (“ <b>the Site</b> ”)
<b>Services</b>	Water and sewerage
<b>Current water and sewerage appointee</b>	Water and sewerage appointee: United Utilities Water Limited (“ <b>United Utilities</b> ”)
<b>Proposed supply arrangements</b>	Bulk supply and bulk discharge agreement with United Utilities.
<b>Criterion</b>	Unserved
<b>Household Customer</b>	268
<b>Business Customers</b>	0
<b>Developer</b>	Northstone Development Ltd
<b>Estimated Site completion date</b>	20/12/2024
<b>Summary of consultation</b>	A statutory consultation made under section 8(3) of the Water Industry Act 1991 (“ <b>WIA91</b> ”) to grant Independent Water Networks a variation to its appointment as a water and sewerage company. To also vary the appointment of United Utilities as a water and sewerage company. Consequently, Independent Water Networks will become the water and sewerage company for the Site.
<b>Deadline for submissions</b>	<p>Representations or objections to this consultation should be sent by email to <a href="mailto:Licensing@ofwat.gov.uk">Licensing@ofwat.gov.uk</a> 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 <b>17.00</b> hours on <b>3 August 2022</b>.</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 <a href="http://www.ofwat.gov.uk/foi/">http://www.ofwat.gov.uk/foi/</a>.</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 <a href="#">Publication Scheme</a>.</p>	

# 1. Our assessment of this application

## Our approach

The new appointment and variation mechanism set out in primary legislation<sup>1</sup>, 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.

United Utilities have provided a letter, dated 18 May 2022, confirming that, in their view, the Site is unserved. Satellite images of the maps provided show there are five structures to the Northeast of the site. This has been raised with Independent Water Networks, who have confirmed these are football pitches.

In addition, the site served letter provided by United Utilities mentions there is a United Utilities end hydrant within the southern edge of the site boundary. United Utilities have confirmed, before work starts on this site, it will ensure this consideration has been given to the operation of this infrastructure. Given that the end hydrant is not considered as a 'premises', we are satisfied this is within the remit of an unserved criterion.

Therefore, given the information provided by the Independent Water Networks and United Utilities, we are satisfied that the Site may be considered unserved.

## Price

Independent Water Networks will at least match the charges to customers on the Site to those of United Utilities. Independent Water Networks currently offers a discount of 2.5%

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<sup>1</sup> 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.

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against the incumbents' charges. This discount is reviewed every 12 months. It will also offer a saving to those opting to pay by Direct Debit or via e-billing.

## 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 United Utilities were to be the customers' water and sewerage company.

## Stakeholder engagement

We take the view of the Environment Agency into account before progressing to formal consultation on an application for a new appointment. The Environment Agency informed us that it is content for us to consult on this application<sup>2</sup>.

The Drinking Water Inspectorate is satisfied that Independent Water Networks understands 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 raises no comments or objections to Ofwat proceeding to consultation and decision for applications submitted by Independent Water Networks.

## 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 United Utilities 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 United Utilities might have expected to receive in revenue from serving the Site directly, were it to

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<sup>2</sup> 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.

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serve the Site, with the revenues it might expect from the proposed arrangement with Independent Water Networks.

We estimate a potential no annual increase on the water and sewerage bills of existing United Utilities 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 no 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 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, our view is that the risk of this Site not being financially viable is small and as a result we are currently satisfied that Independent Water Networks would be able to finance its functions if the variation is granted.

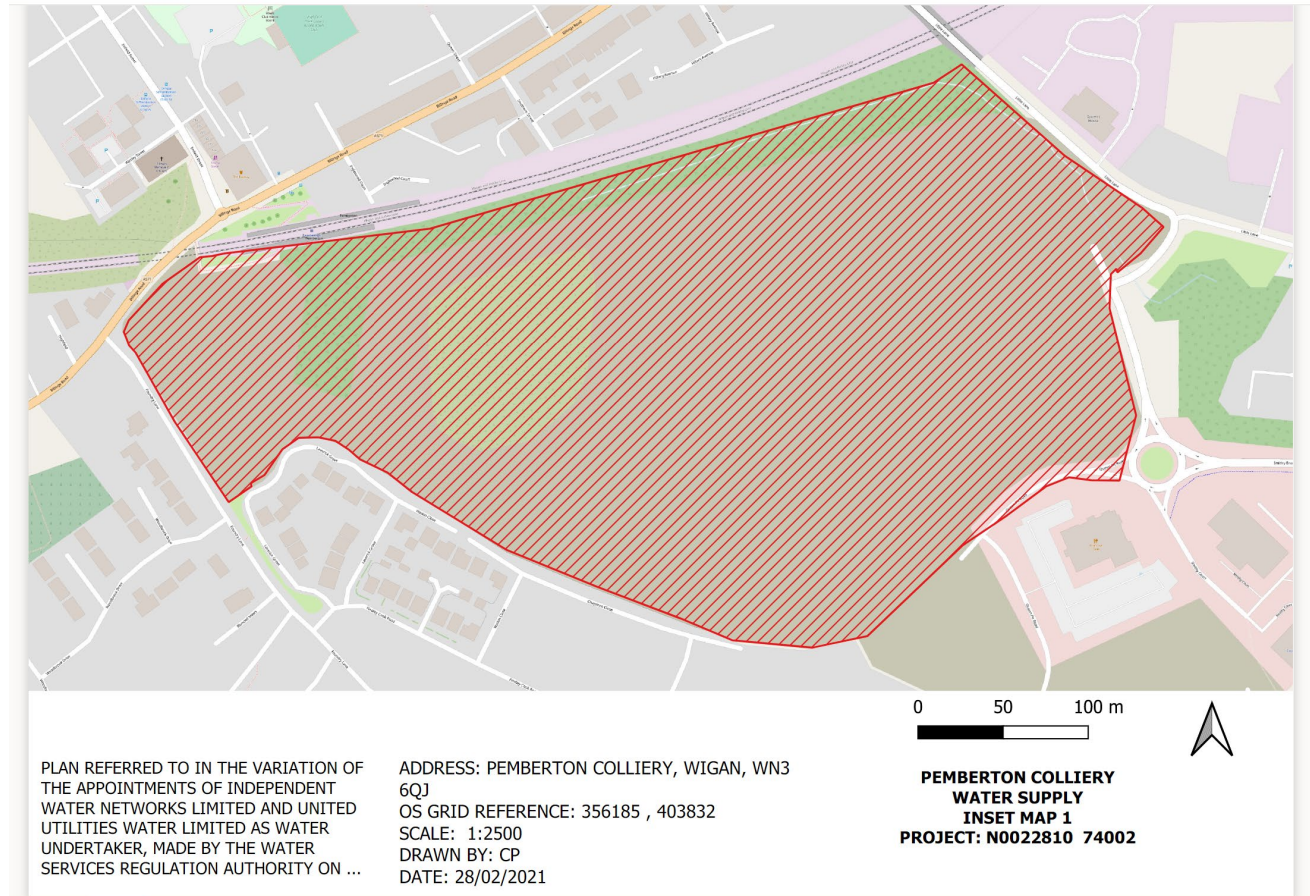
## 2. Conclusion and next steps

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 United Utilities.

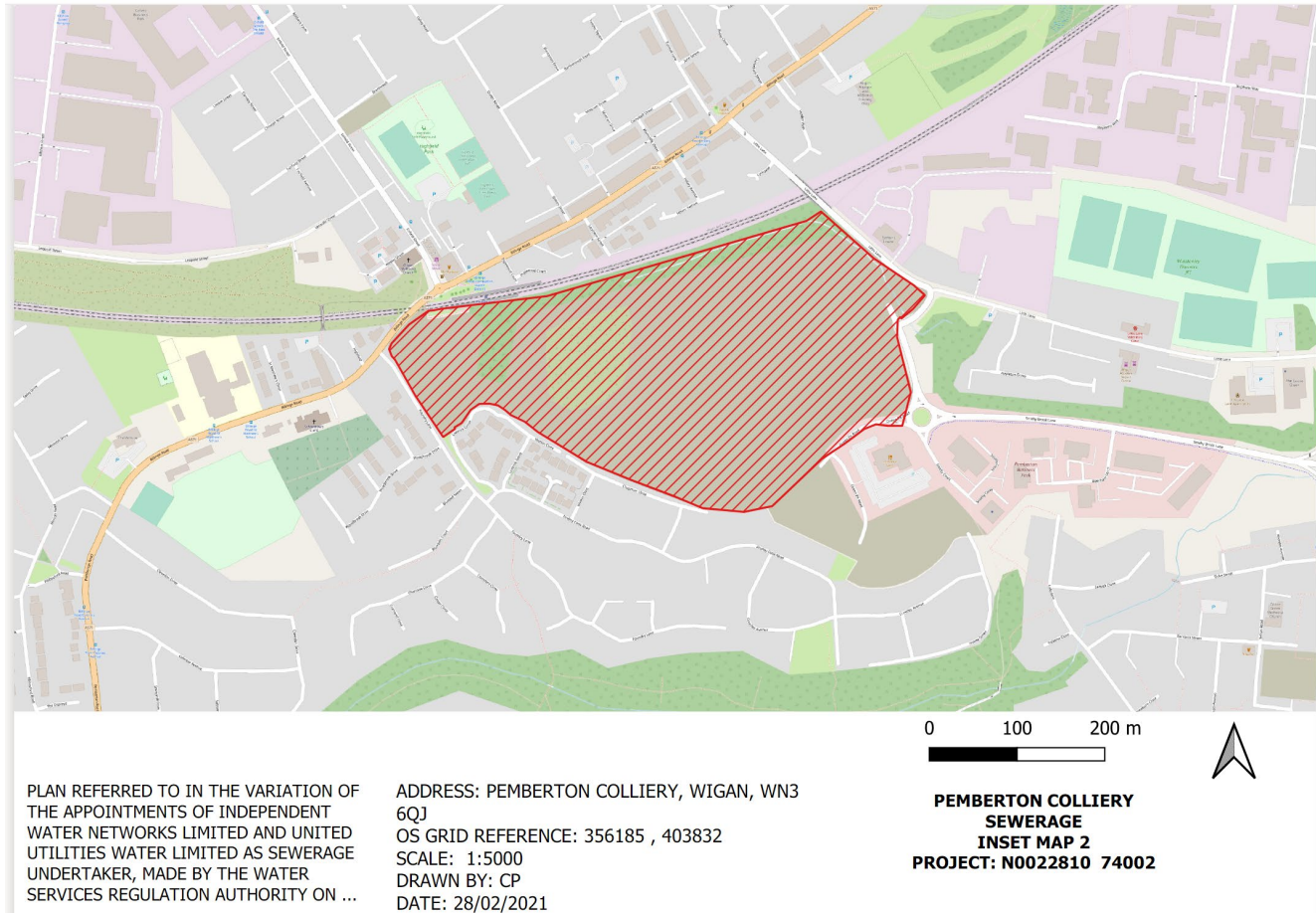
We are currently minded to grant the variation under the unserved criterion. Subject to considering any representations submitted during the consultation period in response to this consultation notice, Ofwat will decide whether or not to grant the variation of appointment set out above.

### 3. Site maps

#### Water Boundary



## Sewerage Boundary





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is a non-ministerial government department.  
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Ofwat  
Centre City Tower  
7 Hill Street  
Birmingham B5 4UA  
Phone: 0121 644 7500

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