

August 2022

Proposal to grant a variation of appointment to Independent Water Networks Limited to include Little Shepham, Polegate, East Sussex

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	Details
Applicant	Independent Water Networks Limited (“ Independent Water Networks ”)
Site Details	Little Shepham, Polegate, East Sussex (“ the Site ”)
Services	Water and sewerage
Current water and sewerage appointee	Water appointee: South East Water Limited (“ South East Water ”) Sewerage appointee: Southern Water Services Limited (“ Southern Water ”)
Proposed supply arrangements	Bulk supply agreement with South East Water and bulk discharge agreement with Southern Water
Criterion	Unserved
Household Customer	108
Business Customers	0
Developer	Orbit Homes (2020) Limited
Estimated Site completion date	May 2025
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 South East Water Limited and Southern Water as a water and sewerage company. Consequently, Independent Water Networks will become the water and sewerage company for the Site.
Deadline for submissions	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. Reponses must be received by Ofwat no later than 17.00 hours on 29 August 2022 .
<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

Independent Water Networks is applying for a variation based on the unserved criterion. To qualify under the unserved criterion, an applicant must show that at the time the variation is made, none of the premises in the proposed area of appointment is served by the existing appointee.

South East Water has provided a letter, dated 4 April 2022, which states that there is a property on the Site that is served for potable water and therefore the Site does not meet the unserved criterion.

Southern Water has provided a letter, dated 2 May 2022, which states that it serves an existing property within the proposed boundary for the Site.

Both letters provided from South East Water and Southern Water are of the view that the Site is currently served. Independent Water Networks has confirmed to us that there is currently a property within the Site's boundary, but that this is vacant and in a state of disrepair. It states that all existing connections will have been disconnected and all existing buildings within the Site be demolished, as the Site is developed.

Given the information provided by the Independent Water Networks, South East Water and Southern Water, we will ask that all existing buildings have been demolished and disconnected, to ensure this application meets the unserved criterion, before the variation can be 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 match or better the charges to customers on the Site to those of South East Water and Southern Water. Independent Water Networks currently offers a discount of 2.5% 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 variation is required under its licence conditions to publish and make available the Core Customer Information for its household customers. We have assessed Independent Water Networks' 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 South East Water and Southern Water were to be the customers' water and sewerage companies.

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.

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 raises no comments or objections to Ofwat proceeding to consultation and decision for applications submitted by Independent Water Networks².

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 NAVs 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 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 sewerage companies which would otherwise serve the site. CCW therefore agrees with

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.

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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 some cases there is a potential cost on the annual water and/or sewerage bills of these customers. While this cost is usually 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 rises².

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 South East Water's and Southern 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 South East Water and Southern Water might have expected to receive in revenue from serving the Site directly, were they to serve the Site, with the revenues they might expect from the proposed arrangement with Independent Water Networks.

We estimate no annual increase on the water bills of existing South East Water customers and no annual increase in the annual sewerage bills of existing Southern 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 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.

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

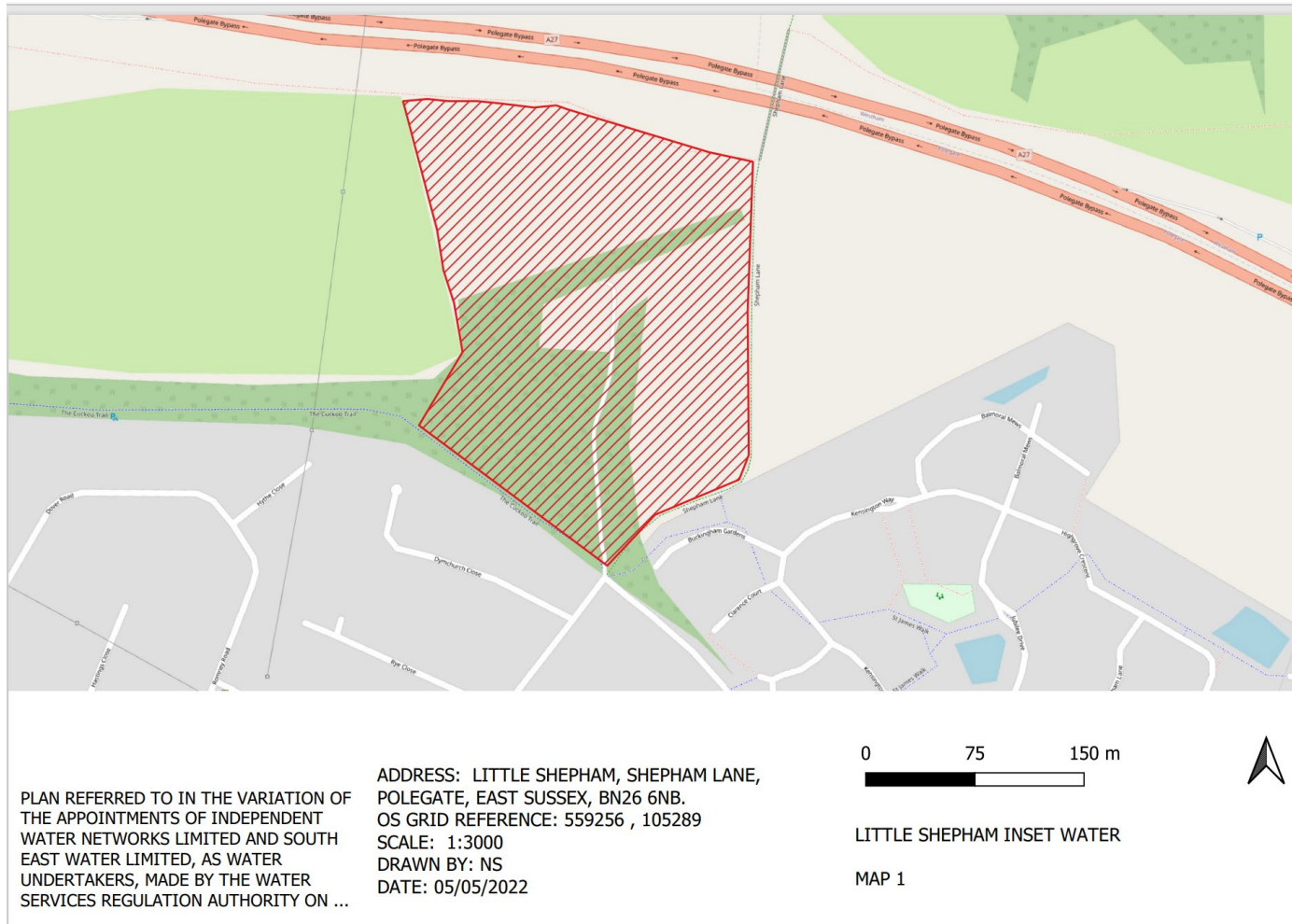
2. Conclusion and next steps

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 South East Water and Southern Water.

We are currently minded to grant the variation under the unserved criterion providing the required assurances have been provided from the Incumbents that the site is unserved before the grant of variation. 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.
We regulate the water sector in England and Wales.**

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