

Proposal to grant a variation of appointment to Leep Networks (Water) Limited to include Woodberry Down (Phase 3), Hackney

	Details
<b>Applicant</b>	Leep Networks (Water) Limited (“ <b>Leep Water</b> ”)
<b>Site Details</b>	Woodberry Down (Phase 3), Hackney (“ <b>the Site</b> ”)
<b>Services</b>	Water and Sewerage
<b>Current water/sewerage appointee</b>	Water Appointee & Sewerage Appointee: Thames Water Utilities Limited (“ <b>Thames Water</b> ”)
<b>Proposed supply arrangements</b>	Bulk supply and bulk discharge agreements with Thames Water
<b>Criterion</b>	Unserved
<b>Household Customer</b>	584
<b>Business Customers</b>	0
<b>Developer</b>	Berkeley Homes
<b>Estimated Site completion date</b>	31/03/2026
<b>Summary of consultation</b>	A statutory consultation made under section 8(3) of the Water Industry Act 1991 (“ <b>WIA91</b> ”) to grant Leep Water a variation to its appointment as a water and sewerage company. To also vary the appointment of Thames Water as a water and sewerage company. Consequently, Leep Water 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>27 October 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](#).

## Unserviced 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.

Thames Water provided a letter, dated 16 September 2022, confirming that, in its view, the Site is unserved for water and wastewater.

The Site is brownfield and the demolitions described in the planning permission have taken place and building has commenced. This is confirmed by satellite maps and by Leep Water. Given the information provided by Leep Water and Thames Water, we are satisfied that the Site may be considered unserved.

## Price

Leep Water proposes to match the charges to customers on the Site to those of Thames Water, it will not offer a discount.

## 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 Leep Water's proposed Customer Code of Practice, and our view is that it is of an appropriate standard. Our

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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.

view is that customers on the Site would be no worse off in relation to the scope of Leep Water's proposed Customer Code of Practice than they would be if Thames Water were to be the customers' water and sewerage company.

## Stakeholder engagement

We take the view of the Environment Agency<sup>2</sup>, the Drinking Water Inspectorate ("DWI"), and the Consumer Council for Water ("CCW") into account before progressing to formal consultation on an application.

The Environment Agency requested assurances from Leep Water that it will be pro-active on water efficiency and customer behaviour initiatives. Leep Water responded in an email dated 15 June 2022 with details of the plans and actions it has in place and that it will incorporate the Environment Agency's comments into its current discussions on stakeholder engagement and customer communication, triggered by work on its Drought Plan. The Environment Agency confirmed in an email of 7 July 2022 that it is content for us to consult on this application.

The Drinking Water Inspectorate is satisfied that Leep Water 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 Leep Water.

As part of the application process Ofwat has engaged with CCW. CCW's position is that new appointments and variations (NAVs) should bring benefits to customers on the proposed NAV site. CCW expects New 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 satisfied that Leep Water as an established New 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 therefore agrees with Ofwat's assessment that customers on the site will be no worse off if served by Leep Water and so, overall, supports the proposed variation of appointment.

CCW recognise that due to the small size of Leep Water's customer base, it does not currently offer its financial vulnerable customers a social tariff in the way that the incumbent

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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.

companies do but does offer the standard WaterSure tariff for qualifying customers. CCW consider that it is appropriate for Leep Water to tailor the services it provides, until it can offer a formal social tariff, ensuring customers are provided with appropriate flexible support where needed.

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 Thames 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 Thames 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 Leep Water.

We estimate that if we grant this variation it would result in a potential £0.01 annual increase on the water bills of existing Thames Water customers and no increase on the sewerage bills of existing Thames Water customers. 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 Leep Water would have very 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.

In 2020, Leep Water requested that we perform a risk assessment to consider if it would be appropriate to consider the financial position of Leep Water as a whole and perform a company assessment rather than a detailed site-based assessment in line with our policy. Leep Water submitted detailed financial projections and further supporting information to enable us to consider if it has demonstrated it is sufficiently low risk to be considered for a company-based assessment.

Following our risk assessment, a decision was made in March 2021 to move to a company-based assessment of financial viability for Leep Water rather than the site-by-site assessment of each individual application, provided:

- Leep Water remains within its existing group company structure, with continuing access to intercompany loans and financial security provision;
- any NAV applications involving an associated company of Leep Water, the appointed business, will require site-by-site financial viability assessments; and
- applications for large sites with low expected profitability will be subject to a full, site-by-site financial assessment.

We are satisfied that the application does not breach any of the conditions set out.

We have considered the financial position of Leep Water in relation to providing services to the Site. The current level of financial security that Leep Water has in place meets our requirements and we are satisfied the company demonstrates sufficient financial viability. On this basis, we are currently satisfied that Leep Water would be able to finance its functions if the variation is granted.

## 2. Conclusion and next steps

In assessing Leep Water's 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 Leep Water 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 Thames Water.

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

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consultation notice, Ofwat will decide whether or not to grant the variation of appointment set out above.

### 3. Site maps

#### Water Boundary



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### Sewerage boundary

