

Proposal to grant a variation of appointment to Independent Water Networks Limited – Firbeck Colliery, Worksop, Nottinghamshire

	Details
Applicant	Independent Water Networks Limited (“ <b>Independent Water Networks</b> ”)
Site Details	Firbeck Colliery, Worksop, Nottinghamshire (“ <b>the Site</b> ”)
Services	Water only
Current water appointee	Severn Trent Water Limited (“ <b>Severn Trent Water</b> ”)
Proposed supply arrangements	Bulk supply agreement with Severn Trent Water
Criterion	Consent
Household Customer	0
Business Customers	2
Developer	N/A
Estimated Site completion date	N/A
Summary of consultation	<p>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 company. To also vary the appointment of Severn Trent Water as a water company. Consequently, Independent Water Networks will become the water company for the Site.</p> <p>This application is an addition to the previously granted variation for Firbeck Colliery, the decision document for which can be found <a href="#">here</a>.</p>
Deadline for submissions	<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>6 January 2023</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](#).

## Consent status of the Site

To qualify under the consent criterion, an applicant must provide a letter of consent from the existing appointee consenting to the application and consenting to the variation of its area of appointment corresponding to the applicant's application.

Independent Water Networks has provided a letter from Severn Trent Water confirming it consents for Independent Water Networks to take over as water supplier on the Site. In addition, we have also been provided with letters from the two business customers on the Site, an Electric Sub-Station and a Cricket Club, both consenting to being transferred across to Independent Water Networks from Severn Trent Water.

Based on the information provided by Independent Water Networks, Severn Trent Water and the two business customers on the Site, we are happy to confirm this Site meets the criterion for a consent application.

## 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

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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.

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 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 informed us that it is content for us to consult on this application.

The DWI 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 DWI therefore raises 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 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 Independent Water Networks 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 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 recognises that due to the small size of Independent Water Networks’ customer base, it does not currently offer its financially vulnerable customers a social tariff in the way that the incumbent companies do but does offer the standard WaterSure tariff for qualifying customers. CCW considers that it is appropriate for Independent Water Networks 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.

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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.

## 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.

As there are only two business customers on the Site and no households we have not been able to carry out the same analysis in respect of the impact on the customers of Severn Trent Water. Since the Site consists only of non-household customers we would not expect there to be any financial impact on the existing customers of Severn Trent Water.

## 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.

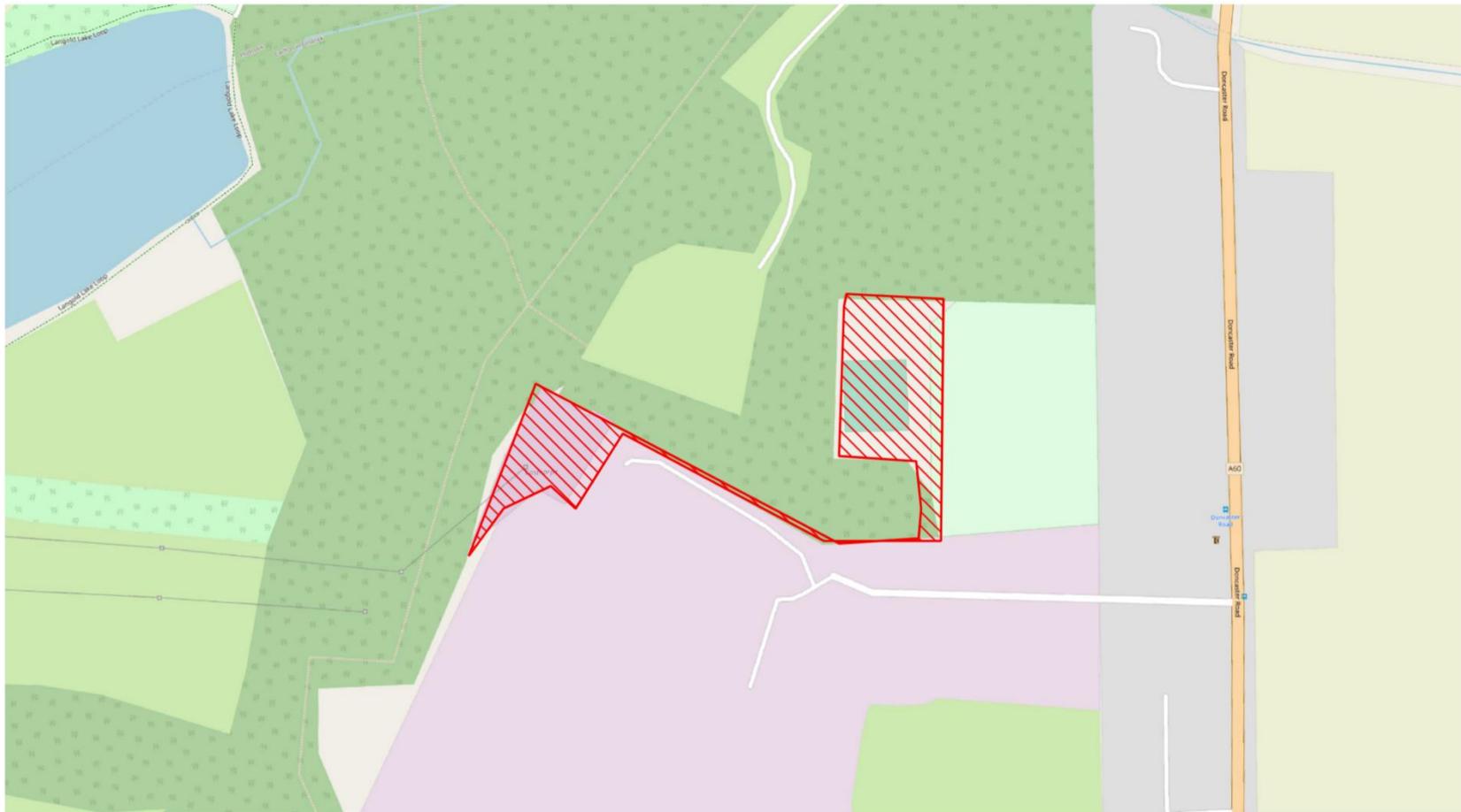
On this basis, we are currently satisfied that Independent Water Networks would be able to finance its functions if the variation is granted.

## 2. Conclusion and next steps

In assessing Independent Water Networks' application, we have considered the general benefits of new appointments and variations taking account of the specific characteristics of this application. Our view is that our two key policy principles would be met in this case (to the extent they are relevant to this application), 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 Consent 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 map



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

ADDRESS: FIRBECK COLLIERY, WORKSOP, NOTTINGHAMSHIRE, S81 9QS  
OS GRID REFERENCE: 458338, 385967

SCALE: 1:3000  
DRAWN BY: SC  
DATE: 13/10/2022

0 75 150 m



**FIRBECK COLLIERY**

**INSET WATER BOUNDARY VARIATION MAP 1**