

## Variation of Independent Water Networks Limited's appointment to include Land At Bayards, Chichester

On 1 November 2022, Ofwat began a [consultation](#) on a proposal to vary Independent Water Networks Limited's (“**Independent Water Networks**”) appointment to become the water services provider for a development in Portsmouth Water Limited (“**Portsmouth Water**”) water supply area called Land At Bayards, Chichester (“**the Site**”). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 28 November 2022. During the consultation period, we received representations from the Environment Agency and Portsmouth Water Limited (“**Portsmouth Water**”) neither have any objections to this variation.

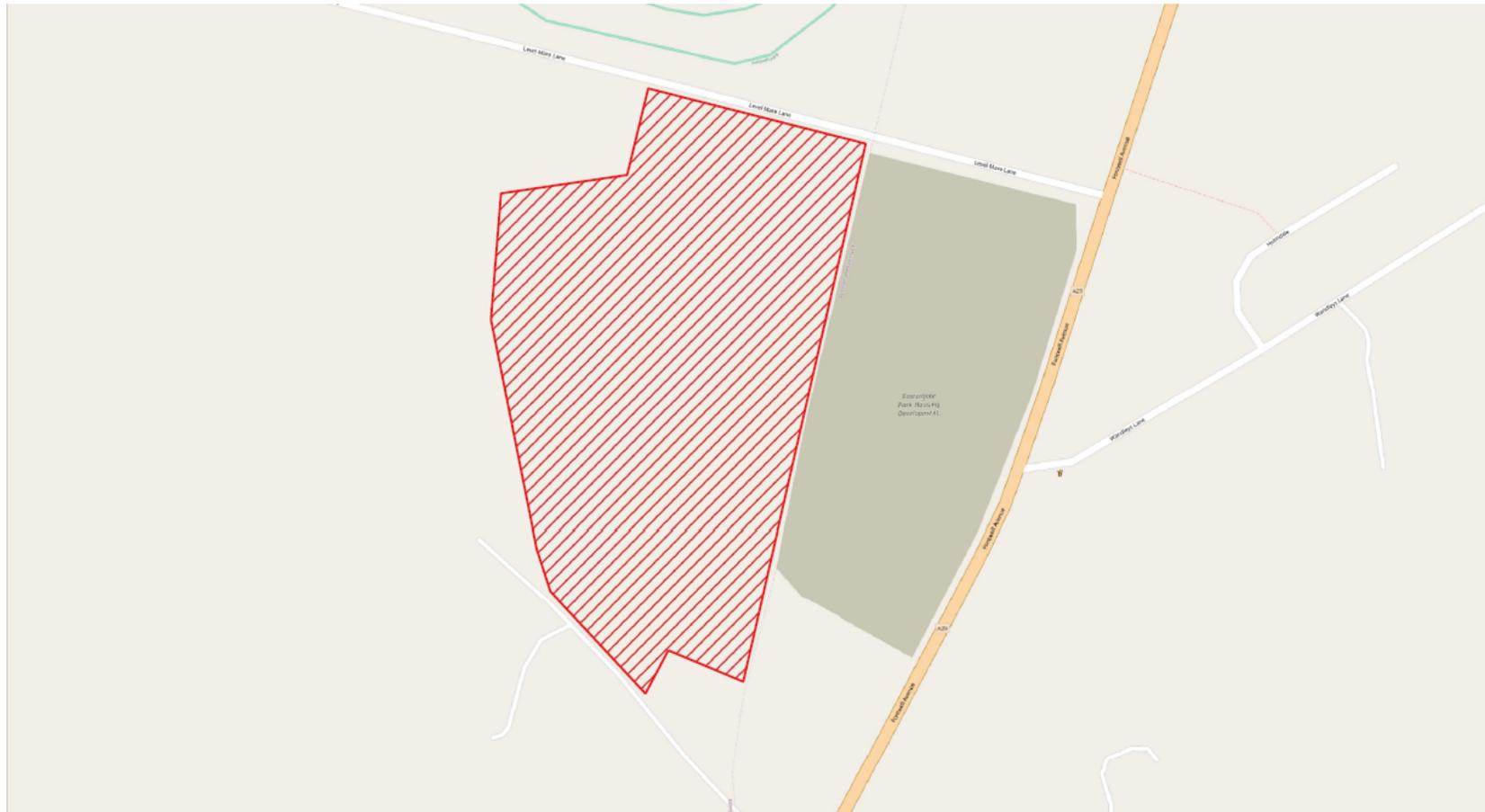
We will only make an appointment or variation if our assessment concludes that the application meets the criterion it has been made under; that customers or future customers on the site will be no worse off than if the site had been served by the existing appointee; and if the applicant will be able to finance the proper carrying out of its functions as a water and/or sewerage company. As set out in our consultation we are satisfied this is the case. The responses we have received to the consultation have not changed that view.

Having assessed Independent Water Networks' application and having taken account of the responses we received to our consultation, we decided to grant a variation to Independent Water Networks' area of appointment to allow it to serve the site for water services. This appointment became effective on 14 December 2022.

The site map for the variation can be found in Section 1 of this document.

The Variation Notice legally making the variation can be found in Section 2 of this document.

# 1. Site Map



PLAN REFERRED TO IN THE VARIATION OF THE APPOINTMENTS OF INDEPENDENT WATER NETWORKS LIMITED AND PORTSMOUTH WATER LIMITED, AS WATER UNDERTAKERS, MADE BY THE WATER SERVICES REGULATION AUTHORITY ON ... 13 December 2022

*Laura Clever*

ADDRESS : LAND AT BAYARDS, LEVEL MARE LANE, FONTWELL AVENUE, CHICHESTER, PO20 3SA.  
OS GRID REFERENCE: 494676, 106263  
SCALE: 1:2000  
DRAWN BY: NS  
DATE: 13/09/2022

0 50 100 m



LAND AT BAYARDS INSET WATER

MAP 1

## 2. Variation Notice

**WATER SERVICES REGULATION AUTHORITY**  
**WATER INDUSTRY ACT 1991, SECTIONS 6 TO 9**

**Variation of the Appointments of Independent Water Networks Limited and Portsmouth  
Water Limited as Water Undertakers**

Made on 13 December 2022

Coming into effect on 14 December 2022

1. Independent Water Networks Limited ("Independent Water Networks") and Portsmouth Water Limited ("Portsmouth Water") hold Appointments as water undertakers for their respective areas ("the Appointments").<sup>1</sup> The areas to which the Appointments of Independent Water Networks and Portsmouth Water as water undertakers relate ("Water Supply Area") are set out in their Instruments of Appointment.
2. The site called Land at Bayards, Chichester which is shown edged in red on the plan attached to this variation ("the Site") is within Portsmouth Water's Water Supply Area. The Site is being developed by Miller Homes (UK) Limited.
3. Independent Water Networks has applied under section 7(4)(b) of the Water Industry Act 1991 ("the Act") for a variation of its Appointment as a water undertaker to include the Site and for a consequential variation of Portsmouth Water Appointment to exclude the Site.
4. On 27 June 1995, the Secretary of State for the Environment and the Secretary of State for Wales acting jointly and pursuant to sections 6(1) and 7(2) of the Act authorised the Director General of Water Services<sup>2</sup> to make variations such as those contained in paragraph 5 below. After public consultation, as required by section 8 of the Act, the Water Services Regulation Authority has decided that it should grant Independent Water Networks' application.
5. Therefore, as provided by sections 7(2) and 7(4)(b) of the Act, and with the agreement of Miller Homes (UK) Limited, the Water Services Regulation Authority **varies**–

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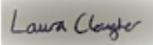
<sup>1</sup> Portsmouth Water's original Appointment as a water undertaker was made by the Secretary of State for the Environment under sections 11 and 14 of the Water Act 1989, now replaced by sections 6 and 11 of the Water Industry Act 1991. Independent Water Networks' original Appointment was made by the Water Services Regulation Authority under sections 6 and 11 of the Water Industry Act 1991.

<sup>2</sup> With effect from 1 April 2006 the functions of the Director General of Water Services were transferred to the Water Services Regulation Authority in accordance with section 36 of, and Schedule 3 to, the Water Act 2003.

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- (a) the Appointment of Independent Water Networks as a water undertaker so that the Site is included in Independent Water Networks' Water Supply Area; and
- (b) the Appointment of Portsmouth Water as a water undertaker so that the Site is excluded from Portsmouth Water's Water Supply Area.

**Signed for and on behalf of the Water Services Regulation Authority**



**Laura Clougher**  
**Principal, Casework and Enforcement**