

Variation of Icosa Water Services Limited's appointment to include St Swithins Court, Wakefield

On 8 November 2022, Ofwat began a [consultation](#) on a proposal to vary Icosa Water Services Limited's ("**Icosa Water**") appointment to become the water services provider for a development in Yorkshire Water Services Limited's ("**Yorkshire Water**") water supply area called St Swithins Court, Stanley, Wakefield ("**the Site**"). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 8 December 2022. We received no responses to our consultation.

On 25 November 2022, during the consultation period, Icosa Water notified us of a reduction in the Site's area. The area in the north west of the Site, St Swithins Court, will remain served by Yorkshire Water. This was an error in the boundary plan supplied by Icosa Water and the connections in this area were not included in financial information we used for our assessment of the Site, so this remains unchanged by the change in map.

There were no other changes to the application details and as a result we did not consider it necessary to amend and extend the consultation. On 25 November 2022 we notified the Consumer Council for Water ("**CCW**"), Drinking Water Inspectorate ("**DWI**"), Environment Agency, Wakefield Metropolitan District Council and Yorkshire Water of the change. CCW acknowledged the change and noted that the Site name refers to St Swithins Court which is the area of the Site that has been removed. We consider it appropriate to continue using the same Site name since the Site lies on St Swithins Drive and St Swithins Court is an area adjacent to the Site.

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.



Having assessed Icosa Water's application, and having received no responses to our consultation, we decided to grant a variation to Icosa Water's area of appointment to allow it to serve the Site for water services. This appointment became effective on 12 July 2023.

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



<p>PLAN REFERRED TO IN THE VARIATION OF THE APPOINTMENTS OF ICOSA WATER SERVICES LIMITED AND YORKSHIRE WATER SERVICES LIMITED AS WATER UNDERTAKERS, MADE BY THE WATER SERVICES REGULATION AUTHORITY ON1.1 July 2023</p>		 <p>Technical & Development Services (Southern) Ltd 11 Reed House, 24 Queen Street Horsham, West Sussex, BN1 3 5AD Tel: 01403 274 888</p>	<p>FILE: ST SWITHINS COURT, STANLEY, WAKEFIELD, WF3 4QR WATER AREA SERVICE PLAN SCALE 1:1000</p> <table border="1"> <tr> <td data-bbox="1043 1904 1267 1951"> <p>Drawing Number: 22-040/WSA/01</p> </td> <td data-bbox="1267 1904 1294 1951"> <p>Rev: D</p> </td> </tr> </table>	<p>Drawing Number: 22-040/WSA/01</p>	<p>Rev: D</p>
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2. Variation Notice

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

Variation of the Appointments of Icosa Water Services Limited and Yorkshire Water Services Limited as Water Undertakers

Made on 11 July 2023

Coming into effect on 12 July 2023

1. Icosa Water Services Limited ("Icosa Water") and Yorkshire Water Services Limited ("Yorkshire Water") hold Appointments as water undertakers for their respective areas ("the Appointments").¹ The areas to which the Appointments of Icosa Water and Yorkshire Water as water undertakers relate ("Water Supply Area") are set out in their Instruments of Appointment.
2. The site called St Swithins Court in Stanley, Wakefield, which is shown edged in red on the plan attached to this variation, ("the Site"), is within Yorkshire Water's Water Supply Area. The Site is being developed by Terrium Construction Limited.
3. Icosa Water 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 Yorkshire Water's 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 Services² 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 Icosa Water's application.
5. Therefore, as provided by sections 7(2) and 7(4)(b) of the Act, and with the agreement of Terrium Construction Limited, the Water Services Regulation Authority **varies**–

(a) the Appointment of Icosa Water as a water undertaker so that the Site is included in Icosa Water's Water Supply Area; and

(b) the Appointment of Yorkshire Water as a water undertaker so that the Site is excluded from Yorkshire Water's Water Supply Area.

Signed for and on behalf of the Water Services Regulation Authority



Sally Irgin
Director of Enforcement

¹ Yorkshire 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. Icosa Water's original Appointment was made by the Water Services Regulation Authority under sections 6 and 11 of the Water Industry Act 1991.

² 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.