

Variation of ESP Water's appointment to include Kennett Garden Village, Kennett

On 12 June 2023, Ofwat began a [consultation](#) on a proposal to vary ESP Water Limited's (“**ESP Water**”) appointment to become the water and sewerage services provider for a development in Anglian Water Services Limited (“**Anglian Water**”) water supply area and sewerage services area called Kennett Garden Village, Kennett (“**the Site**”). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 12 July 2023. During the consultation period, we received representation from one organisation, which is summarised in Section 1 of this document.

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 response we have received to the consultation has not changed that view.

Having assessed ESP Water's application and having taken account of the response we received to our consultation, we decided to grant a variation to ESP Water's area of appointment to allow it to serve the Site for water and sewerage services. This appointment became effective on 20 July 2023.

The Site maps for the variation can be found in Section 2 of this document.

The Variation Notice legally making the variation can be found in Section 3 of this document.

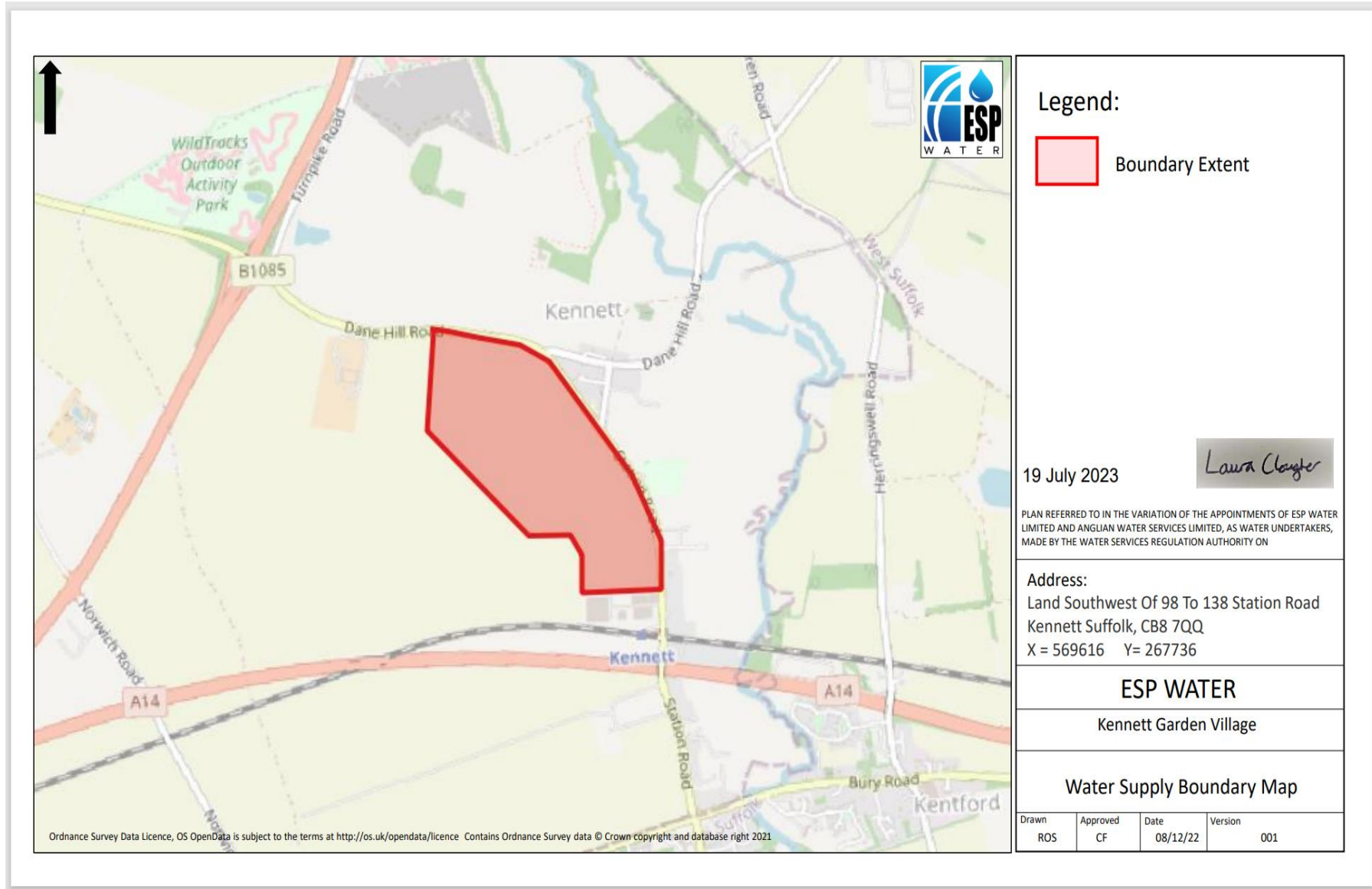
1. Response received to the consultation

We received a response to our consultation from East Cambridgeshire District Council.

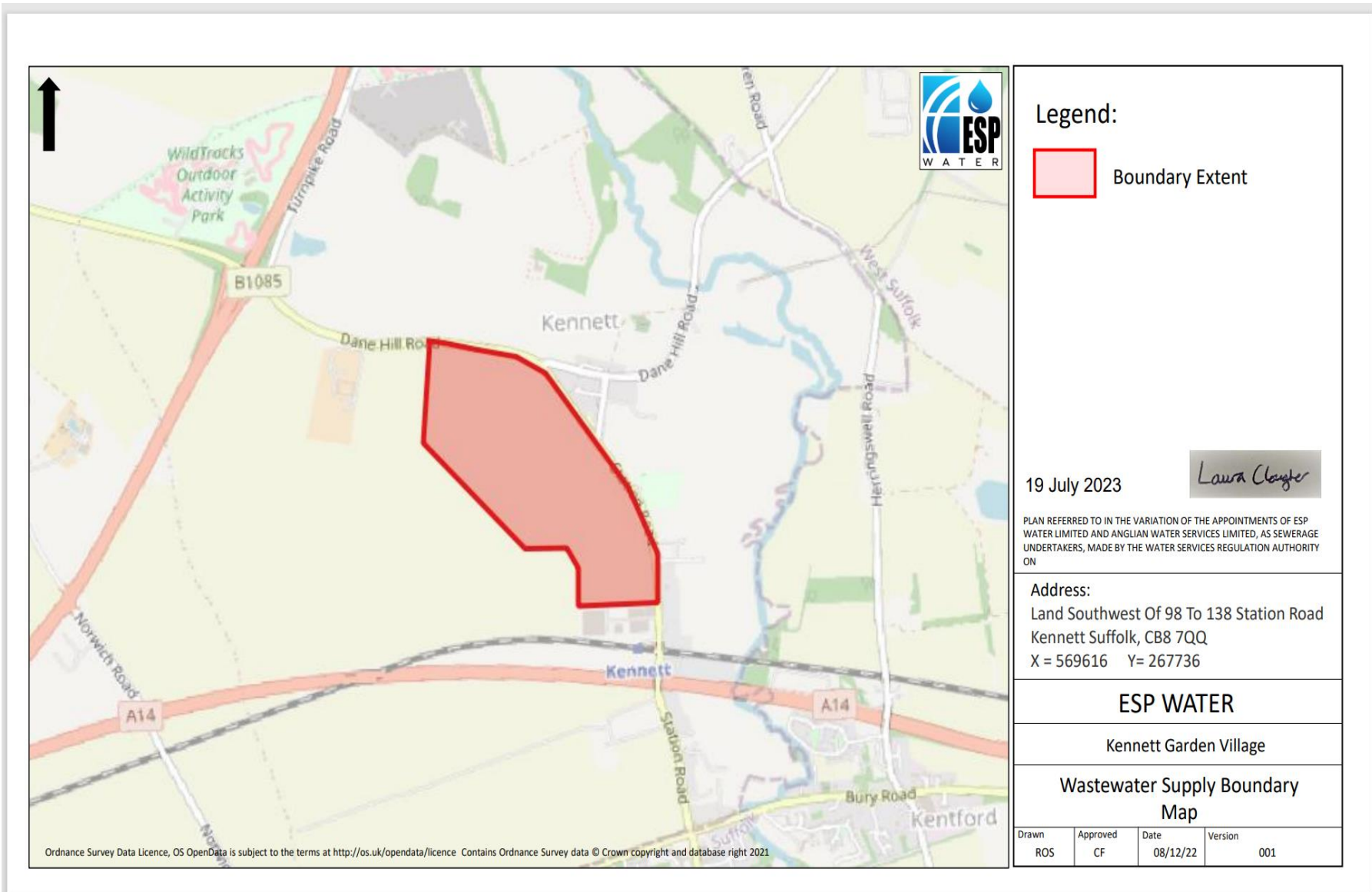
East Cambridgeshire District Council flagged that the proposed variation must not result in a breach of the Sites planning permissions and association conditions (reference nos. 18/00752/ESO and 22/00471/RMM). East Cambridgeshire District Council also noted that, whilst the change in provider does not appear to impact the permissions, it is ESP Water's responsibility to ensure this is the case.

We considered this response before making the decision to vary ESP Water's appointment and have informed ESP Water of the response received to the consultation.

2. Site map – Water



Site map – Sewerage



3. Variation Notice

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

**Variation of the Appointments of ESP Water Limited and Anglian Water Services Limited as
Water and Sewerage Undertakers**

Made on 19 July 2023

Coming into effect on 20 July 2023

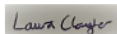
1. ESP Water Limited ("ESP Water") and Anglian Water Services Limited ("Anglian Water") hold Appointments as water and sewerage undertakers for their respective areas ("the Appointments").¹ The areas to which the Appointments of ESP Water and Anglian Water as water and sewerage undertakers relate ("Water Supply Area" and "Sewerage Services Area") are set out in their Instruments of Appointment.
2. The site called Kennett Garden Village, Kennett which is shown edged in red on the plan attached to this variation ("the Site") is within Anglian Water's Water Supply Area and Sewerage Services Area. The Site is being developed by Bellway Plc.
3. ESP 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 and sewerage undertaker to include the Site and for a consequential variation of Anglian 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 ESP Water's application.
5. Therefore, as provided by sections 7(2) and 7(4)(b) of the Act, and with the agreement of Bellway Plc, the Water Services Regulation Authority **varies-**

¹ Anglian Water's original Appointment as a water and sewerage 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. ESP 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.

- (a) the Appointment of ESP Water as a water and sewerage undertaker so that the Site is included in ESP Water's Water Supply Area and Sewerage Services Area; and
- (b) the Appointment of Anglian Water as a water and sewerage undertaker so that the Site is excluded from Anglian Water's Water Supply Area and Sewerage Services Area.

Signed for and on behalf of the Water Services Regulation Authority



Laura Clougher
Principal, Casework and Enforcement