

## Variation of Independent Water Networks Limited's appointment to include Bay View (Phase 2), Bideford, Devon

On 3 November 2022, Ofwat began the initial [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 South West Water Limited's ("**South West Water**") water supply area called Bay View (Phase 2), Bideford, Devon ("**the Site**"). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 1 December 2022. During the consultation period, we received one response, from South West Water which queried the number of customers to be served and the boundary for the Site.

After the consultation ended, Independent Water Networks informed us the application needed to be amended to reduce the size of the boundary. Independent Water Networks updated the application and provided a revised map. Independent Water Networks confirmed that the number of properties and the unserved status of the Site remained the same. We updated the statutory consultees about the change and they did not raise any issues with Ofwat proceeding.

Given the change to the boundary, we decided to publish an [updated consultation](#) in June 2023. We received one response to the [second consultation](#) which was from South West Water to confirm that the issues with the boundary has been resolved and they had no objections to a variation.

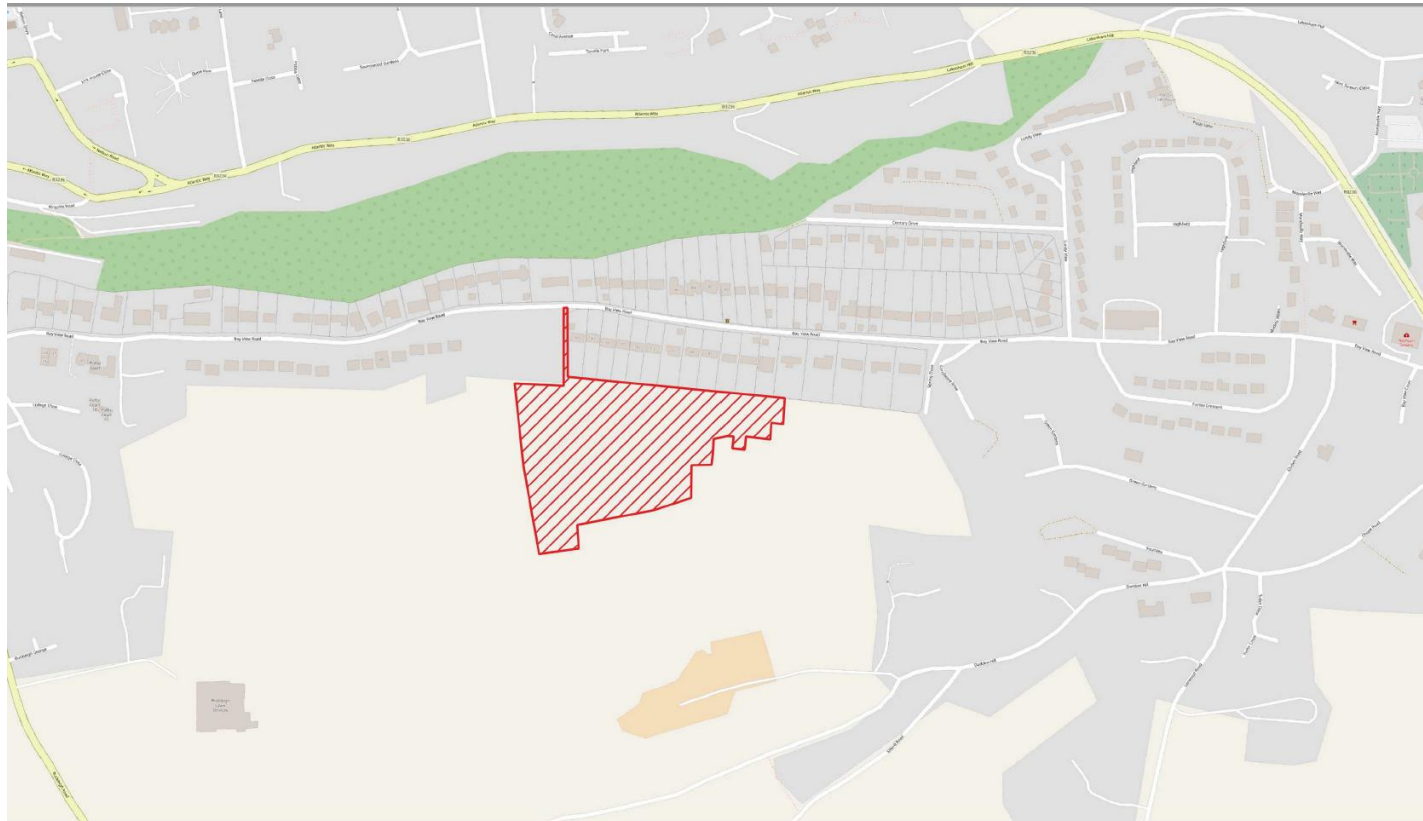
We will only make an appointment or variation if our assessment concludes that the application meets the criterion it has been made under; that customers or future customers on the site will be no worse off than if the site had been served by the existing appointee; and if the applicant will be able to finance the proper carrying out of its functions as a water and sewerage company. As set out in our consultation we are satisfied this is the case.

Having assessed Independent Water Networks' revised application and having taken account of the responses we received to our consultations, 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 4 August 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



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

03/08/2023

ADDRESS: BAY VIEW PHASE 2, NORTHAM, BIDEFORD, DEVON, EX39 1BJ  
OS GRID REFERENCE: 243980, 128725  
SCALE: 1: 5000  
DRAWN BY: GM  
DATE: 17/04/2023

0 100 200 m



BAY VIEW PHASE 2 INSET WATER

MAP 1



Variation of Independent Water Networks Limited's appointment to include Bay View (Phase 2),  
Bideford, Devon

## 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 South West  
Water Limited as Water Undertakers**

Made on 3 August 2023

Coming into effect on 4 August 2023

1. Independent Water Networks Limited ("Independent Water Networks") and South West Water Limited ("South West 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 South West Water as water undertakers relate ("Water Supply Area") are set out in their Instruments of Appointment.
2. The site called Bay View (Phase 2), Bideford in Devon, which is shown edged in red on the plan attached to this variation, ("the Site") is within South West Water's Water Supply Area. The Site is being developed by Vistry Group PLC.
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 South West Water's Appointments 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 Vistry Group PLC, the Water Services Regulation Authority **varies**—

(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

<sup>1</sup> South West Water's original Appointments 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.

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

Signed for and on behalf of the Water Services Regulation Authority



**Sally Irgin**  
**Director of Enforcement**