

Variation of Independent Water Networks Limited's appointment to include Shopwhyke Straight, Chichester

On 9 October 2023, 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's (“**Portsmouth Water**”) water supply area called Shopwhyke Straight, Chichester in West Sussex (“**the Site**”). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 8 November 2023. During the consultation period, we received a response from Portsmouth Water to confirm it had no comments to make in relation to the consultation.

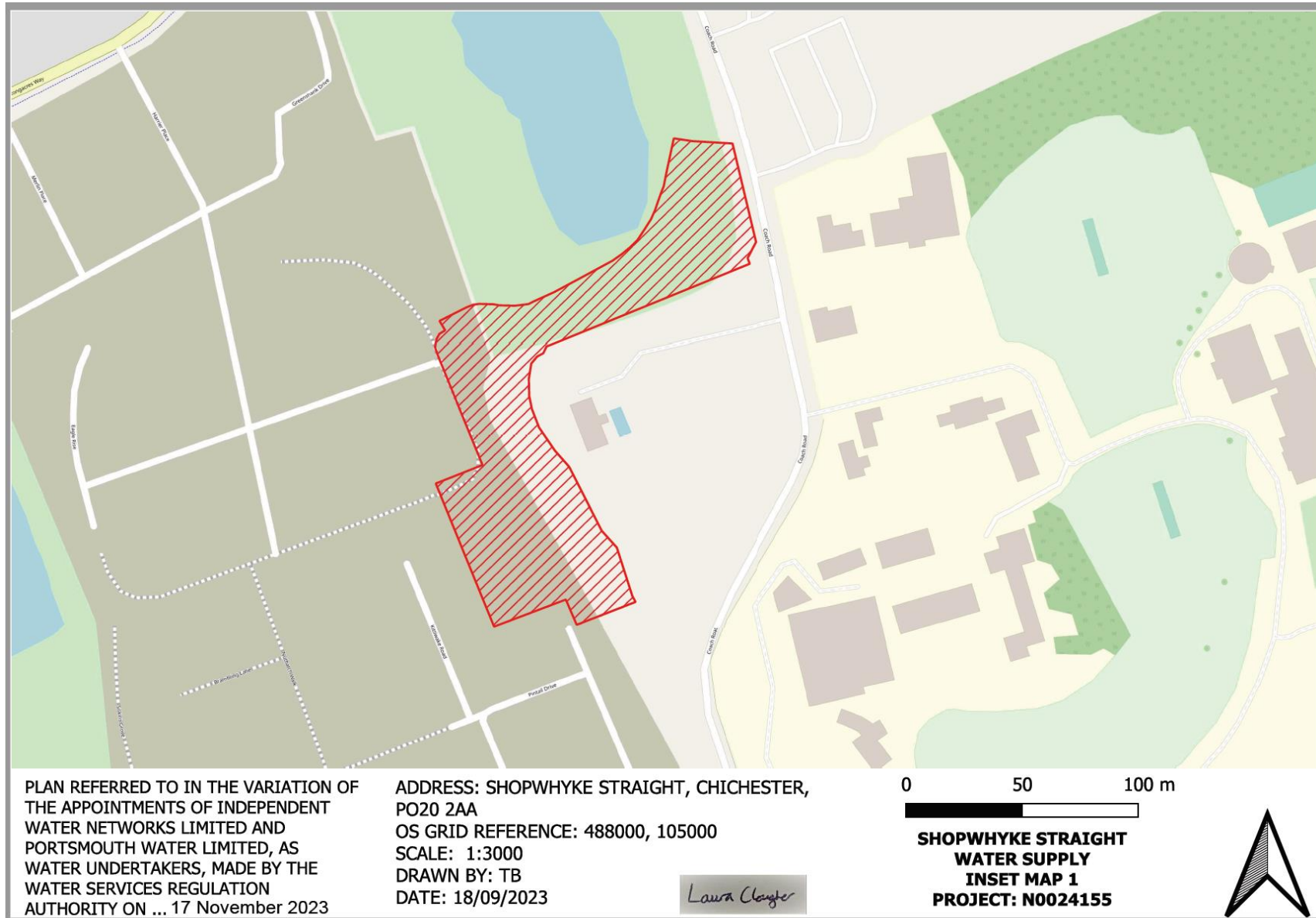
We will only make an appointment or variation if our assessment concludes that the application meets the criterion it has been made under; that customers or future customers on the Site will be no worse off than if the Site had been served by the existing appointee; and if the applicant will be able 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 Independent Water Networks' application and having taken account of the response 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 20 November 2023.

The Site Map for the variation can be found in Section 1 of this document. Independent Water Networks state the Site is an extension to the site at Shopwhykes Lakes, West Sussex. The application for the site at Shopwhykes Lakes, West Sussex was granted on 25 September 2020 and further details can be found in this [decision document](#).

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

1. Site Map – Water



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 17 November 2023

Coming into effect on 20 November 2023

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").¹ 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 Shopwhyke Straight, Chichester in West Sussex 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 BRICS (Chichester) 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'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 Independent Water Networks' application.
5. Therefore, as provided by sections 7(2) and 7(4)(b) of the Act, and with the agreement of BRICS (Chichester) Limited, the Water Services Regulation Authority **varies** –

¹ 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.

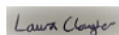
² With effect from 1 April 2006 the functions of the Director General of Water Services were transferred to the Water Services Regulation Authority in accordance with section 36 of, and Schedule 3 to, the Water Act 2003.

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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