

Variation of Independent Water Networks Limited's appointment to include Mendham Lane, Harleston

On 17 October 2023, Ofwat began a [consultation](#) on a proposal to vary Independent Water Networks Limited's (“**Independent Water Networks**”) appointment to become the water and sewerage services provider for a development in Anglian Water Services Limited's (“**Anglian Water**”) water supply area and sewerage services area called Mendham Lane, Harleston in Norfolk (“**the Site**”). Details of the application and our assessment of it were set out in the consultation document.

The consultation ended on 13 November 2023. During the consultation period, we received no representations or comments in response to our proposal.

Independent Water Networks has applied for a variation based on both the unserved criterion and the consent criterion for one property on this Site. Anglian Water has provided a letter, dated 5 May 2023, confirming that, in its view, the Site is unserved, except for Briar Farm (which sits within the Site's overall boundary). The same letter from Anglian Water confirms that it consents to the transfer of Briar Farm to Independent Water Networks. Independent Water Networks has provided a signed letter from the owner of Briar Farm, consenting to the transfer of the property to Independent Water Networks' water and wastewater network. Whilst granted under two provisions of the Water Industry Act 1991, we have processed this variation as one application given that this is one overall site.

We will only make an appointment or variation if our assessment concludes that the application meets the criteria 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' application and having received no responses 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 and sewerage services. This appointment became effective on 5 December 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. Business retail market

On 1 April 2017, the business retail market was opened to competition. Anglian Water chose to exit the business retail market. Under the [Water and Sewerage Undertakers \(Exit from Non household Retail Market\) Regulations 2016](#) ("the Retail Exit Regulations"). Once a water and/or sewerage company exits the business retail market, its area of appointment becomes a 'retail exit area'. In a retail exit area, business customers must be supplied by a company holding a retail licence (a retailer), and water and sewerage companies are prohibited from providing retail services directly to those customers.

The Retail Exit Regulations make an exception to this prohibition if a variation is granted in respect of a site where there are no served premises (that is under the unserved criterion). Where a variation is in respect of a served site (that is under the consent or large user criteria), the site will remain a retail exit area and non-household customers must be served by a retailer rather than the appointee.

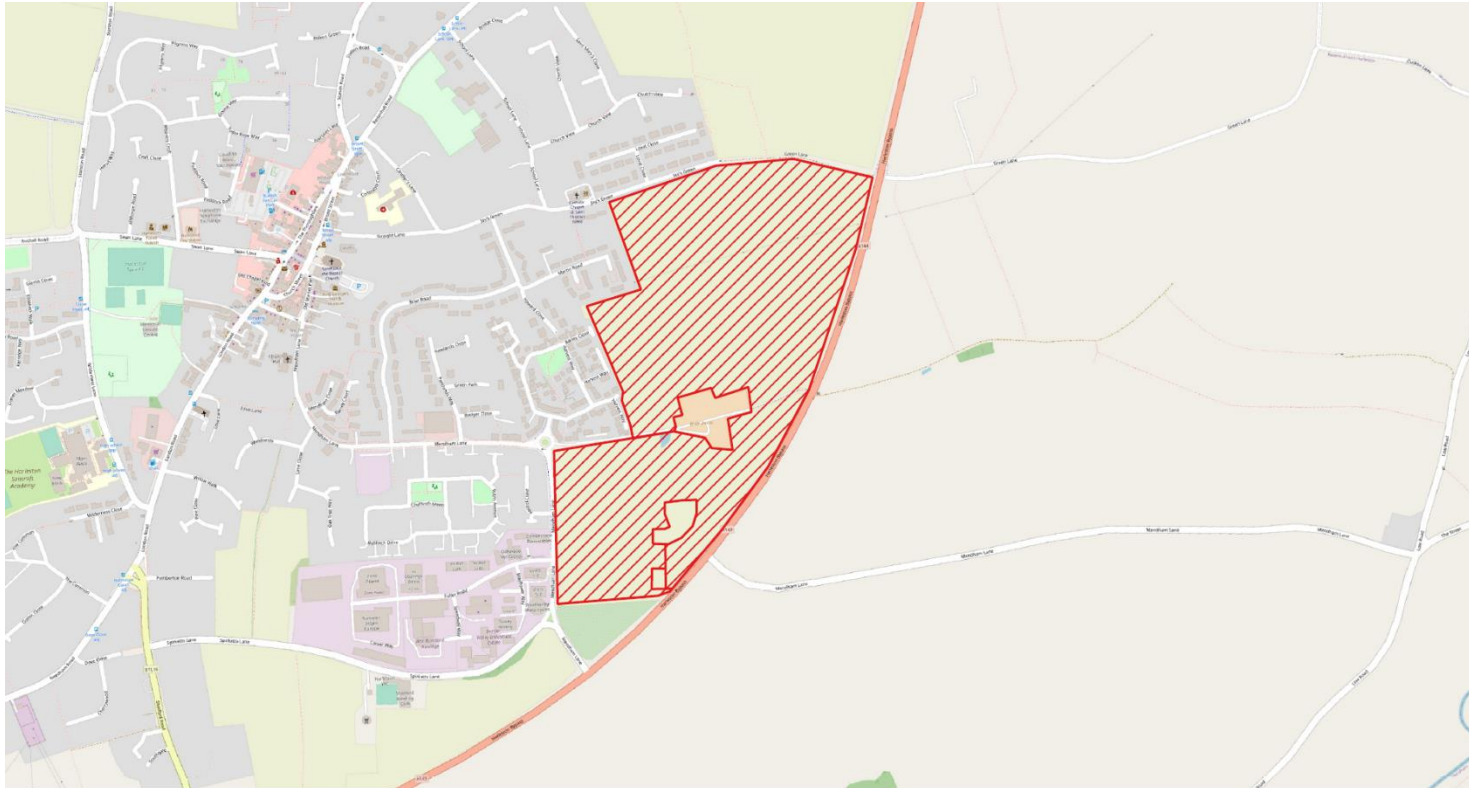
The area of the Site that consists of Briar Farm therefore remains a retail exit area and Independent Water Networks is prohibited from providing retail services to any current or future business customers in this area of the Site for water and sewerage services.

Independent Water Networks has confirmed to Ofwat that it understands the restrictions on its ability to supply retail services to business customers to the Briar Farm area.

Site Maps

Water:

Map 1: area of appointment to be varied under unserved criterion



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

4 December 2023

ADDRESS: MENDHAM LANE, HARLESTON,
NORFOLK, IP20 9FA
OS GRID REFERENCE: 625400, 283250
SCALE: 1: 9000
DRAWN BY: GM
DATE: 21/09/2023

0 250 500 m

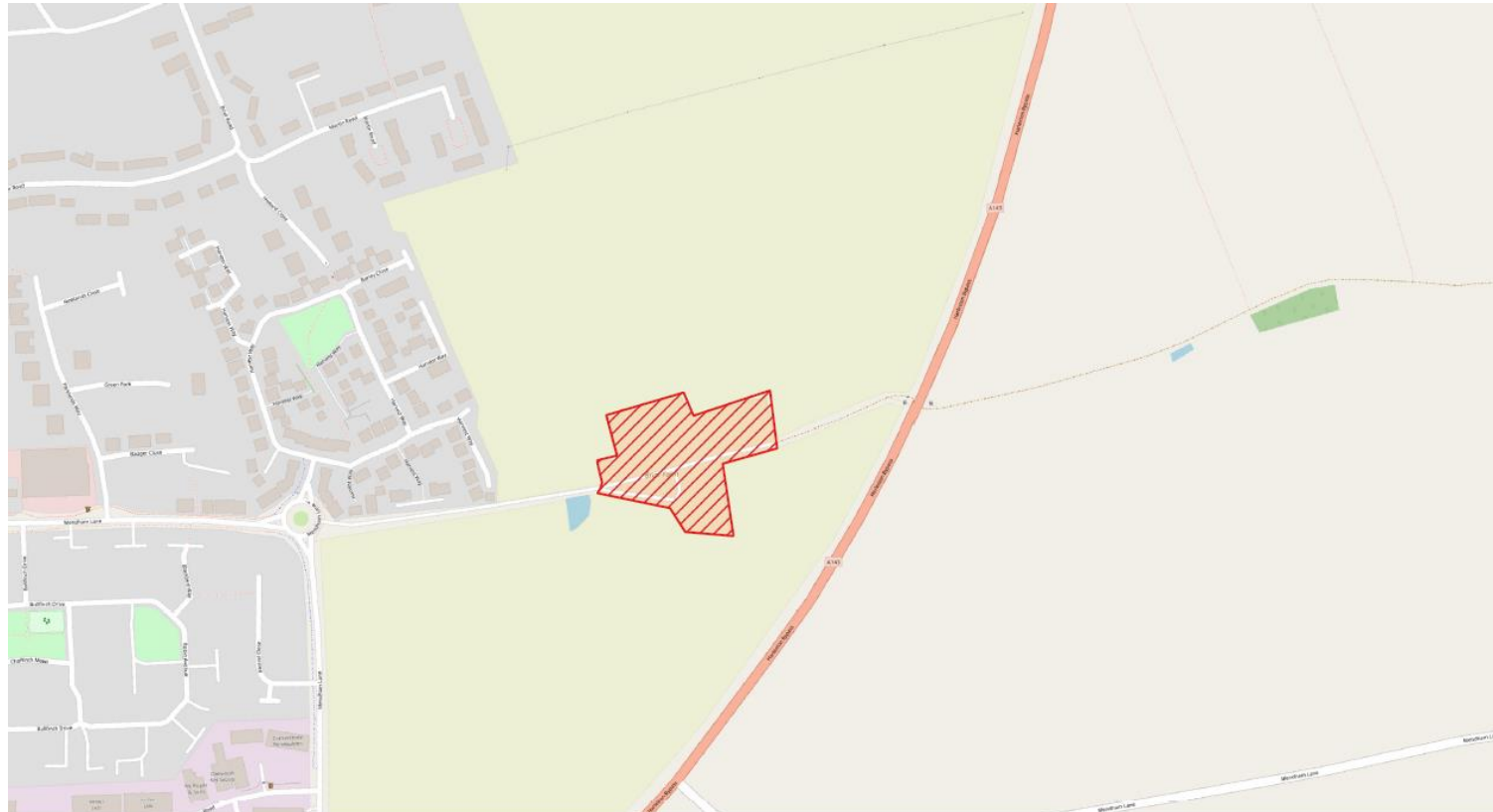


MENDHAM LANE INSET WATER

MAP 1



Map 2: area of appointment to be varied under consent criterion



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

ADDRESS: MENDHAM LANE, HARLESTON, NORFOLK, IP20 9FA
OS GRID REFERENCE: 625400, 283250
SCALE: 1: 4000
DRAWN BY: GM
DATE: 21/09/2023

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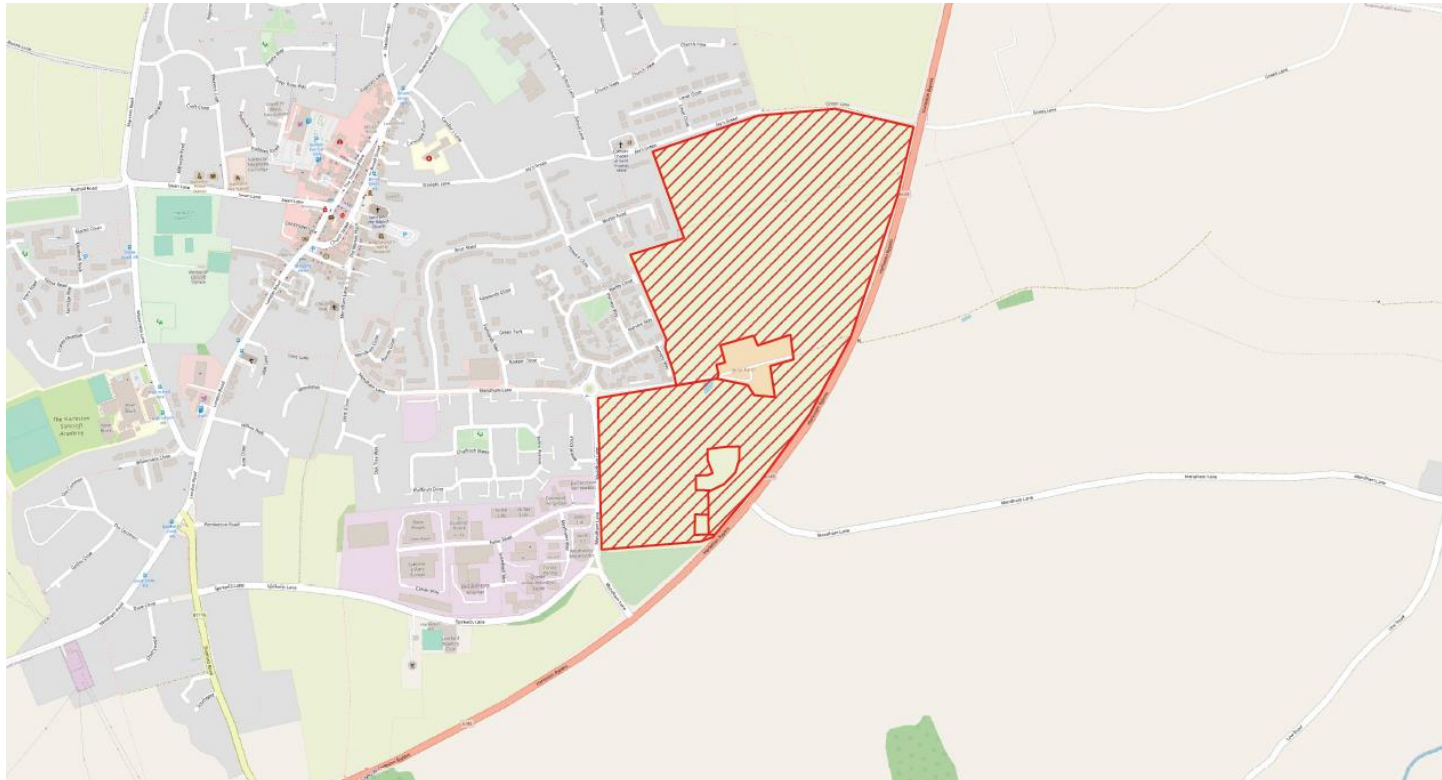
MENDHAM LANE INSET WATER

MAP 2

4 December 2023

Sewerage:

Map 3: area of appointment to be varied under unserved criterion



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

ADDRESS: MENDHAM LANE, HARLESTON, NORFOLK, IP20 9FA
OS GRID REFERENCE: 625400, 283250
SCALE: 1: 9000
DRAWN BY: GM
DATE: 21/09/2023

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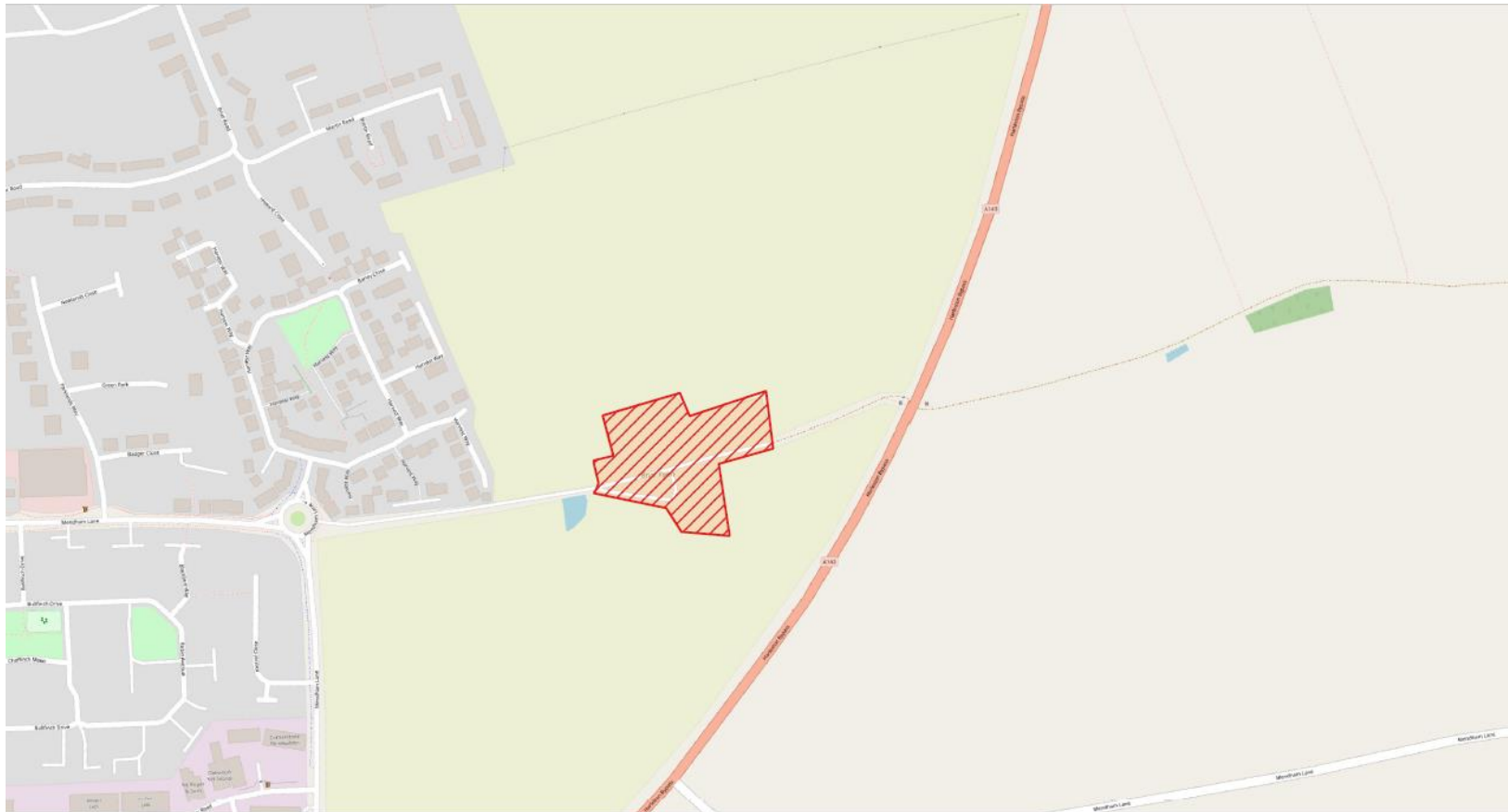
MENDHAM LANE INSET SEWERAGE

MAP 1



4 December 2023

Map 4: area of appointment to be varied under consent criterion



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

4 December 2023

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SCALE: 1: 4000
DRAWN BY: GM
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MENDHAM LANE INSET SEWERAGE



MAP 2

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 Anglian Water Services Limited as Water and Sewerage Undertakers

Made on 4 December 2023

Coming into effect on 5 December 2023

1. Independent Water Networks Limited ("Independent Water Networks") 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 Independent Water Networks, 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 Mendham Lane, Harleston in Norfolk, 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 Lovell Partnerships Limited.
3. Independent Water Networks has applied under sections 7(4)(a) and 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. Independent Water Networks has applied for a variation of its appointment under different sections of the Act with regard to different areas within the Site. The maps edged in red on the plans attached to this variation show which areas within the Site are being varied under sections 7(4)(a) and 7(4)(b) of the Act respectively, the smaller area under the former and the larger area under the latter.
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

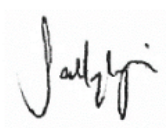
¹ Anglian Water's original Appointment as a water and sewerage undertaker was made by the Secretary of State for the Environment under sections 11 and 14 of the Water Act 1989, now replaced by sections 6 and 11 of the Water Industry Act 1991. Independent Water Networks' original Appointment was made 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.

Water Services Regulation Authority has decided that it should grant Independent Water Networks application.

5. Therefore, as provided by sections 7(2), 7(4)(a) and 7(4)(b) of the Act, and with the agreement of Lovell Partnerships Limited, the existing property owner and Anglian Water, the Water Services Regulation Authority varies–
 - (a) the Appointment of Independent Water Networks as a water and sewerage undertaker so that the Site is included in Independent Water Networks' 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 and Sewerage Services Area.

Signed for and on behalf of the Water Services Regulation Authority



Sally Irgin
Director of Enforcement