



Ministry of Defence

Ref: FOI2015/01822

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 1NF

Email: DIOSec-Parli@mod.uk

Email:

03 March 2015

Dear

Thank you for your email of 16 February 2015 requesting the following information:

You give us the volumes of water and sewerage that are used in the calculation of your Feltham package that is purchased from Affinity but what is used by other properties including the MOD before this calculation is made is what was requested (as advised by Ofwat).

This will then give a usage and then a division to the 45/37 houses and a real invoice cost can be given to assure that the apportioning is accurate, your figures do not allow that accurate calculation to be made and that was the FOI request.

I also need to state formally that the Feltham Residents Company Limited (FRCL) has no contract with the MOD or STS, has never been asked or requested to accept any responsibility for any Private Distribution Network (PDN) and this has been confirmed by Anningtons Homes Limited (AHL).

AHL state that in an email the pipes that run on the freehold properties are owned by those owners who have a direct contract with you the Private Water Company, you provide the Feltham residents on the MOD PDN (Registered as a single entity with Hounslow Council) as regulation 8 consumers for their water and sewerage services including maintenance and administration fee's.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

I am writing to confirm that Ministry of Defence (MOD) holds the information on the subject you have requested. The details of which are supplied below, separated into the different issues as highlighted in your request.

Billing information

The MOD received four quarterly invoices from the Aquatrine Package C Private Finance Initiative (PFI) contractor totalling £40,863,896.41 for the financial year 2013/14. This bill covers the whole of the Aquatrine Package C PFI area.

The breakdown is:

Water volumetric charge	£15,229,175.05
Water standing charge	£4,946,656.80

Sewage volumetric charge	£15,229,175.05
Sewage standing charge	£5,458,889.44

This bill is for a total consumption of 7,154,504 cubic meters (m³) and covers the 1,523 sites across England covering the Eastern sea border and from Lancashire in the North West to West Sussex on the South Coast. The MOD does not receive bills for individual sites nor does it receive bills directly from any Water Company.

The apportionment of this bill, applicable to the Private Water Supply owned by the Feltham Residents Company Limited, is based on the assumption that 37 domestic properties are connected to the network and consume 4,571m³. If more properties are connected to the Private Water Supply then that additional consumption is not included within the calculation.

The individual bills are calculated by the MOD and are apportioned in accordance with the number of bedrooms at each domestic property. This is an allowable method of apportionment under the Water Resale Order.

A more accurate consumption figure would be obtained if a meter were installed at the point of connection to the Private Water Supply. This would be at the expense of the Feltham Residents Company Limited, but it is the right of the MOD to demand a meter be installed in order to resolve consumption disputes.

Under Section 16 (advice and assistance), we have addressed the additional queries in your request below.

Contractual Relationship

The Private Water Supply owned by the Feltham Residents Company Limited is a Regulation 8 Private Water Supply as defined under the Private Water Supply Regulations. The MOD supply the owners of the Private Water Supply not the individual properties.

The Freehold Transfer of Estate created the legal relationship between the MOD and the Feltham Residents Company Limited under clause 12.3.1

'The Property is transferred subject to but with the benefit of so much of the lease as affects the property dated 5 November 1996 and made between the Secretary of State for Defence (1) and Annington Property Limited (2) referred to in the Charges Register of title number AGL104594 and registered under title number AGL54332 which is hereby vested in the Transferee.'

In signing the Transfer document, the Feltham Residents Company Limited created a legally binding contract between themselves and the MOD.

This contract places an obligation upon the MOD to provide a water supply to the boundary of the land and for the owners of that land to reimburse the MOD its costs of delivering the service. Severn Trent Services act as an Agent of the MOD in discharging the obligation.

If the Feltham Resident Company Limited no longer wishes to have a contract with the MOD, then it must first confirm that as owner of the Regulation 8 Private Water Supply, it no longer requires the MOD to make available a water supply or sewerage removal service.

Ownership of the Private Water Supply

The MOD's view is that pipes that supply an individual property and fall under the curtilage are the responsibility of the individual property owner, but pipes that supply more than one property are the joint and several liability of all owners of the properties identified under site code LON030058601,

irrespective of whether they lie under an individual curtilage or jointly own land. Annington Property Limited has confirmed that this is also their view of ownership.

Yours sincerely

DIO Secretariat

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting **the Information Rights Compliance team, 1st Floor**, MOD Main Building, Whitehall, SW 1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.