

EREF Small Hydropower position paper

Response to the public consultation of the European Commission concerning the EU initiative for renewable energy projects – permit-granting processes & power purchase agreements (12 April 2022)

EREF is the European federation of national renewable energy associations from across EU Member States representing all renewable energy sectors. Since more than 20 years, the federation defends the interests of independent power, fuel and heating and cooling-production from renewable sources and promotes non-discriminatory access to the energy market.

EREF's Small Hydropower Chapter, composed of national (small) hydropower associations from EU Member States, represents the interest of the European small hydropower sector by promoting the benefits and opportunities of small hydropower at EU level to secure and enhance its place as an equally important part in the EU renewable energy mix and to create business opportunities for the many small and medium-sized enterprises throughout Europe.

Considering the climate crisis and the impact of the war in the Ukraine on the European energy system, accelerating the transition to renewable energy sources is absolutely the solution. For that, we need an enabling framework and culture for permitting processes for a fast and steep uptake of renewables.

Diversifying supply has always been a core principle of energy system security. Together with wind and solar PV, Europe can rely on a range of sustainable sources, incl. geothermal, solar heat, wave, hydro, concentrated solar power, bioenergy, and tidal energy. EREF's RESTOR Hydro database for example lists more than 50,000 abandoned and potential small hydropower sites in EU Member States, out of an estimated number of 280,000. Collectively these renewable sources can provide decarbonised energy at any point in the day, season, or year, and keep our systems in balance.

The role for small hydropower in the new European energy systems goes far beyond the production of renewable electricity. Its increasingly important purpose lies in providing energy system services and flexibility to facilitate the integration of large amounts of variable renewable energy sources (VRE) into electricity grids. Small hydropower plants are resistant in times of climate change and its multi-purpose functions can provide groundwater stabilisation, drinking water production, flood protection and help to mitigate droughts. In crisis times, small hydropower can supply

critical infrastructure with electricity in thousands of bigger and smaller places around EU Member states.

Members of EREF Small hydropower Chapter have provided already detailed input to the mapping of the permit granting and grid connection procedures for renewable energy technologies in EU Member states carried out by the consortium of the **EU project RES Simplify**. **Next to wind and solar, there is a specific chapter on the small hydropower sector including detailed recommendations for decision-makers.**

Please find hereafter a summary of main obstacles for hydropower development and our recommendations on how to overcome them. We would like to encourage the Commission to integrate them in its planned guidance document together with the findings and recommendations of the RES Simplify project. EREF is convinced that the setup of this guidance document needs to go hand in hand with further efforts the EU institutions need to do under the current legislative procedures, e.g., the debates on RED III and environmental legislation. We furthermore call for more flexibility under the CEEAG rules.

Main barriers for the small hydropower sector and how to tackle them

1. Length of permitting procedures

- Measures to implement hydropower projects get protracted by long and complex approval processes from authorities and administrations. This makes project development more expensive.
- These processes are often extended by litigation processes of environmental associations.
- Thus, a normal reactivation of a former hydro power location on an existing barrier for example can easily take five to eight years
- Furthermore, authorities often prolong approval processes by requesting new documents and impact assessments, e.g., expert opinions. This prolongs again the permitting process and adds unproportionally high costs to the project development.
- Authorities often do not meet deadlines, which are set for proving the integrity of the provided documents.

Recommended measures against long permitting processes

- Due to its advantages and valuable contributions to the energy system, hydropower projects must be considered as “overriding public interest and in the interest of public safety”. This implies that faster permitting and planning for hydropower projects and their connection to the grid.
- EREF calls on the Commission to advise Member States to explicitly acknowledge the public interest and to use the exemption clause under the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora and Natura 2000 policies. EREF supports the clarifying amendments from the Rapporteur of the European Parliament of the RED III Directive, underlining the importance of hydropower deployment as of public interest. It also must be included in the upcoming nature restoration law proposal.
- Authorities must provide clear instructions, which documents are needed for the permitting procedure. Therefore, applicants and authorities must reach an agreement on a selection of documents, which then can be set as general standard for approval processes. A scoping meeting could define the exact content of the needed documents needed before the start of the project.
- The extent of requesting for documents must be limited to the amount of one clear request for new documents.
- There must be a legal determined deadline of four weeks for authorities to proof the integrity of the documents. If they need longer, the documents should be declared as complete.
- We recommend the set-up of a database of approved hydropower plants (i.e., which have fulfilled all state-of-the-art requirements) for decision-makers. This might speed up the permitting process and give support to authorities.

2. Complexity of permitting procedures

- Applicants for small hydropower plants must provide a significant amount of information to the authorities in comparison to other renewables.
- They need to prove that the plant does fulfil all requirements with regards to fish protection mechanisms, river contingency and ecological flow etc. due to the requirements of the Water Framework Directive (WFD).
- Applicants must also give evidence for the functioning of the hydropower plant after the implementation. This drastically increases the costs of the project application process.

Recommended measures against complex permitting processes

- Authorities should reduce the amount of required information for hydropower plants with well-known turbines, equipment, and set-ups.
- We recommend the set-up of a database of approved hydropower plants (i.e., which have fulfilled all state-of-the-art requirements) for decision-makers. This might speed up the permitting process and give support to authorities.
- The requirement for applicants to provide detailed technical studies for re-powering projects and the detailed assessment for the set-up of fish migration ways should be abolished. Instead, best-practice examples for fish migration should be followed.
- This abolishment should also apply for the need for giving evidence for the functioning of implemented measures if applications for hydropower plants include common technique standards.

3. Bureaucracy

- The complexity of the permitting process requires a high time investment for applicants. It begins with the identification of potential fundamentals and ends with project documentation and plant support as mentioned above.
- This implies the involvement of different authorities. Higher authorities consult subordinate authorities, which leads to many redundancies and extends the number of involved staff. It also prolongs the procedure duration.
- Many authorities request different sets of printed and digital application documents for a project proposal. The number of documents like descriptions, grid sheets and expert surveys can easily reach 20 or more or more. Each document has 30-50 pages on average.

Recommended measures against bureaucracy

- Authorities should use all their powers before consulting other subordinated authorities. This would speed up processes and reduce the high efforts for applicants.

- All involved participants of hydropower projects should meet in an early status of the project to exchange information about requirements and needed documents in written form. This contributes to a smooth and transparent process.
- To ease the amount and format of required documents and digital application documents for a project proposal, a single signed digital version sent by email should be sufficient.

4. Capacity-building, knowledge transfer, and a holistic view on hydropower

- Authorities in charge of hydropower permitting have often their main expertise in environmental legislation and issues. Holistic knowledge about hydropower per se, climate change and renewables are often unfortunately lacking.

Recommended measure

- Experts with local and site-specific knowledge as well as experts on climate change and hydropower should participate in the decision-making process to consider all aspects including those of local development, local economic framework conditions and energy system integration aspects. Overall aim is to ensure a balanced decision-making process in which all interests are heard and considered, and decisions are taken in a balanced way.