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Water and Sanitation
REPUBLIC OF SOUTH AFRICA



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

WATER USE LICENCE APPLICATIONS FOR HYDROPOWER GENERATION

PRESENTED AT THE PUBLIC BRIEFING SESSION BY ADV SIPHO SKOSANA - CHIEF DIRECTOR WATER USE AUTHORISATION MANAGEMENT

11 APRIL 2023

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PRESENTATION PROFILE

- Purpose
- Hydropower technologies covered by the RFA
- Application Window
- Water Uses associated with Hydropower
- Information Requirements
- Licence Conditions
- Communication of Decisions
- Appeals
- Construction Timeframes
- E-WULAAS Live Demonstration

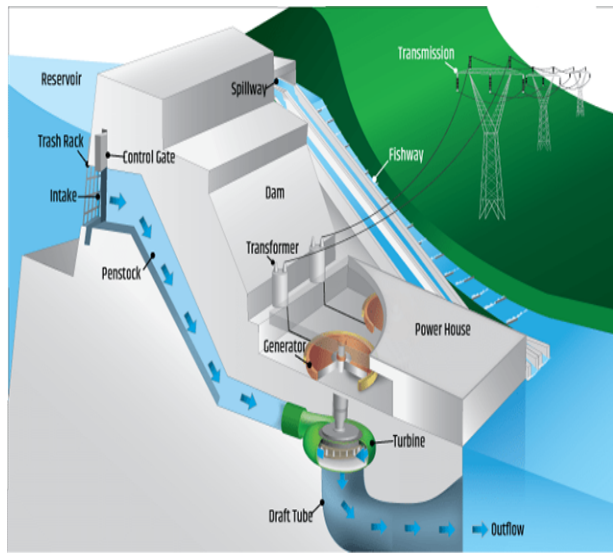


PURPOSE

- ❑ To outline the processes to be followed when applying water use licences for hydropower generation and floating solar panels

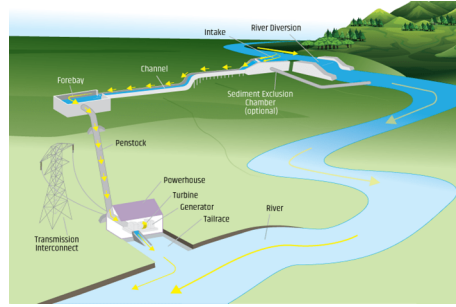


HYDROPOWER TECHNOLOGIES

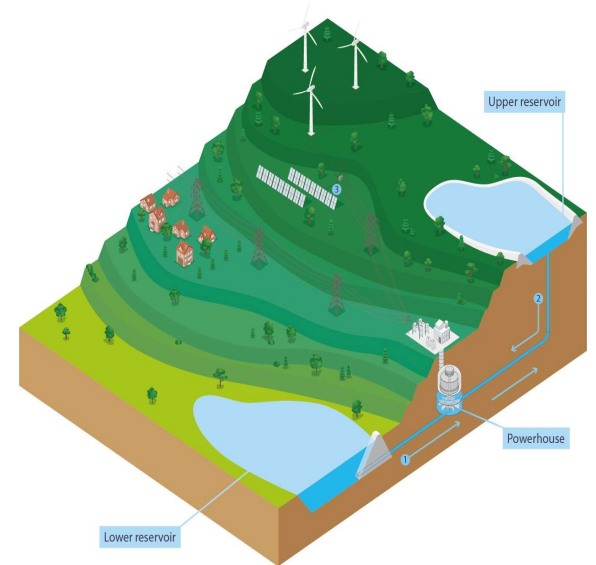


Impoundment

Diversion



In stream



Pumped Storage

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Floating solar panels



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APPLICATION WINDOW

- PHASE 1: PRE-APPLICATION
- PHASE 2: APPLICATION COMPILATION AND SUBMISSION
- PHASE 3: APPLICATION PROCESSING, DECISION AND COMMUNICATION BY DWS



☐ PHASE 1: PRE-APPLICATION PHASE...

- The pre-application phase will open on 17 April 2023 and end on 30 June 2023.
- All notices or request for pre-application engagement must be submitted by not later than 19 May 2023.
- Any person who intends to apply for a water use authorisation under this programme must initiate a pre-application engagement with the DWS by means of the e-WULAAS.
- Upon Receipt of the notice / request for pre-application engagement the DWS will assign a Case Officer.
- The response time of the DWS to a request for pre-application process is 5 working days.



□ ...PHASE 1: PRE-APPLICATION PHASE

- The pre-application engagement, including a site inspection must be completed within 25 working days.
- The DWS will issue a letter of information requirements within 5 working days of conclusion of the pre-application engagement.
- Applicants who will not be able to start or successfully complete the pre-application phase will not be eligible to proceed to the second phase.



❑ PHASE 2: APPLICATION COMPILATION AND SUBMISSION

- Following a letter of information issued during the pre-application phase the applicant will start the process of compiling an application.
- The closing date of submission of applications is 31 January 2024.
- Applications that are submitted after 31 January 2024 will be automatically rejected.
- Applications that do not contain all the information listed in the letter of information requirements will be rejected.



❑ PHASE 3: APPLICATION PROCESSING, DECISION AND COMMUNICATION BY DWS

- The applications that are accepted will be subjected to processing by the DWS
- The DWS will take maximum period of 90 working days to process the applications.
- If there is more than one application on one site, the DWS will only communicate its decision when all applications on that site have been processed.
- Decisions for sites where there is only one application will be communicated to the applicant as soon as assessment is finalized.

WATER USES ASSOCIATED WITH HYDROPOWER GENERATION

Water Uses associated with Hydropower in terms of Section 21 of the NWA

WATER USE	DESCRIPTION	TYPE
Section 21 (e) read with Section 37 (1) (c)	a power generation activity which alters the flow regime of a water resource;	In-stream /diversion / impoundment
Section 21 (c) and (i)	impeding or diverting the flow of water in a watercourse;	Diversion / impoundment / pumped Storage/ Floating Solar panels
Section 21 (a)	taking water from a water resource;	Pumped storage
Section 21 (b)	storing water	Pumped storage / impoundment



Defining S21(e) Water Use

Engaging in a controlled activity identified as such in section 37(1)(c):

”A power generation activity which alters the flow regime of a water resource”

Flow regime of a river – definition:

The flow regime of a river is the characteristic pattern of the quantity of flow, timing, rate of change of hydrologic conditions, and variability across time scales of hours, days, seasons, years, and multiple years.

(”The Natural Flow Regime” by Poff, Allan, Bain, Karr, Prestegard, Richter, Sparks & Stromberg, BioScience Vol. 47 No. 11, December 1997)

...Defining S 21(c) Water Use

Impeding or diverting the flow of water in a watercourse



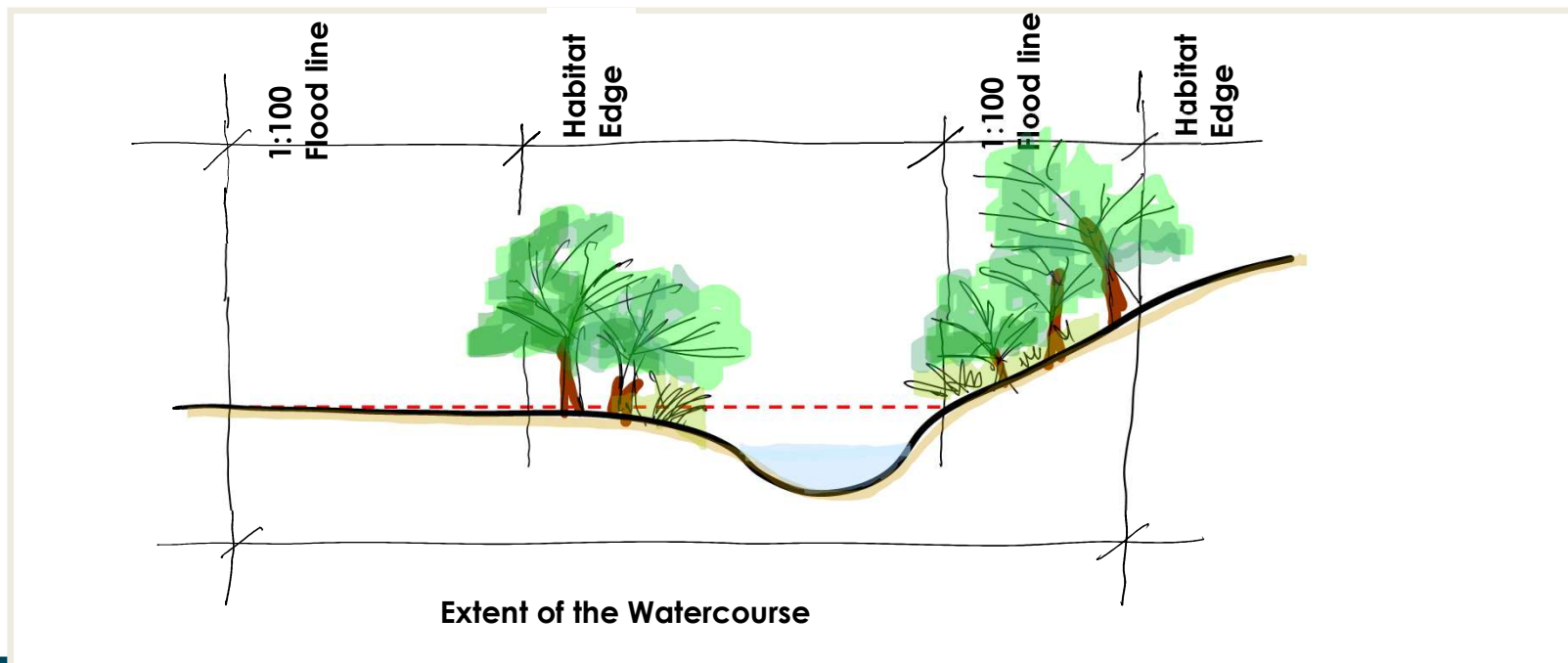
"**impeding flow**" means the temporary or permanent **obstruction or hindrance** to the flow of water in a watercourse by structures built or obstacles installed in a watercourse.



"**diverting flow**" means a temporary or permanent structure causing the flow of water in a watercourse to be **rerouted** for any purpose.

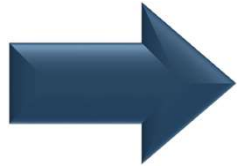
Defining S 21(c) Water Use...

Extent of 'Regulated Area' \equiv The bigger of the riparian habitat or 1:100 year flood line



Defining S 21(i) Water Use

Altering the bed, banks, course or characteristics of a watercourse



Any change to either the **bed, banks, course or characteristics** of the watercourse, or affecting the **resource quality** of the watercourse (i.e. the area within the riparian habitat or 1:100 year flood line, whichever is the greatest)



Necessity of S 21 (c) and (i) water use licences

Impeding or diverting the flow of water in a watercourse

and

Altering the bed, banks, course or characteristics of a watercourse

Includes any activity within the limits of the watercourse at any phase or stage of the project life cycle, namely:

- 
1. Construction of works;
 2. Installation of equipment;
 3. Operation;
 4. Maintenance;
 5. Decommissioning; or
 6. Rehabilitation.
- 

Defining S 21(a) Water Use

Taking water from a water resource

Abstraction of water from a river to fill up a dam from which water will be released to gain hydraulic head (pumped storage).



Defining S 21(b) Water Use

Storing water

New storage may be needed to provide the necessary potential energy that will be utilised by the hydropower generation plant.

INFORMATION REQUIREMENTS

ADMINISTRATIVE INFORMATION	TECHNICAL INFORMATION
Water Use Licence Applications Forms (obtainable in E-WULAAS).	Technical reports required will depend on the site, water uses triggered and hydropower technology.
Company Registration Forms	For the purpose of this programme the DWS will accept conceptual designs, desk top reports and use of existing records for the site, conducted by persons registered with the relevant professional bodies. Detailed designs and reports to be included as licence conditions.
ID copy of a person representing the company	The applicants are responsible for the procurement of the services of consultants that they will use in their application and/or conducting requisite studies.
Payment of water use licence application fee R115.00	Amongst others key reports required for hydropower are as ff:- <ul style="list-style-type: none"> - Civil design drawings and report - Hydrological studies (flows modification, increase in water temperature) - Aquatic studies - Water quality studies - Master layout Plan
A formal letter of appointment / Power Of Attorney if an application is made through a consultant.	
Proof of lawful access to the property (title deed, lease agreement, Permission to Occupy). For properties owned by DWS, lease agreement will be entered into with successful applicants.	

CONDITIONS OF A LICENCE - SECTION 29 OF THE NWA...

- Licence period: 40 years
- Water Use Charge (Pricing Strategy)
- Release of Water: Reserve and downstream water users
- Monitoring and measurement of water that is used
- Best practices: prevention of erosion
- Submission of detailed designs or reports before construction
- Reporting in line with direct benefits of the water use licence to need to redress the past results of discrimination
- The need for the licensee to obtain other relevant authorisations prior to commencement



...CONDITIONS OF A LICENCE - SECTION 29 OF THE NWA

- Issuance of a licence does not imply guarantee of supply
- Construction to start within stipulated timeframe of issuance of a licence.
- Where necessary, upon written request by the licensee, an extension can be granted by the DWS.
- Failure to comply to the above will result in the suspension and withdrawal of the licence (Section 54 of the NWA)



APPEALS

Section 148 (1)(f): An appeal can be lodged with the Water Tribunal against a decision of a responsible authority on a licence application by the applicant or any other person who has timeously lodged a written objection against the application.

Section 42: After a responsible authority has reached a decision on a licence application, it must promptly notify the applicant and any person who has objected to the application; and at the request of any person contemplated herein, give written reasons for its decision.

Section 148(3): Appeal must be lodged within 30 days after a notice of a decision is sent or reasons for a decision are given, whichever occurs last.

Section 148(2)(b): An appeal suspends any other relevant decision, direction or allocation by the responsible authority in relation to the water use application unless the Minister directs otherwise.



E-WULAAS - demonstration

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