

NOTICE
OF THE VOIVODE OF PODLASIE
of 06 May 2014

on providing for public consultation of the draft Substitute Order of the Voivode of Podlasie dated ... regarding the adoption of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Elk-national border in the area of the Commune of Bakalarzewo.

Pursuant to art. 17 point 9 and point 11 of the Act of 27 March 2013 on spatial planning and development (Journal of Laws of 2012, item 647, as amended) and the Substitute Order of the Voivode of Podlasie of 15 October 2013 and pursuant to art. 39 section 1 of the Act of 3 October 2008 on providing information about the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013, item 1235, as amended) as part of the strategic environmental impact assessment and in relation to art. 12 section 3 of the Act of 27 March 2013 on spatial planning and development (Journal of Laws of 2012, item 647, as amended),

I hereby inform

about providing for consultation of the draft Substitute Order of the Voivode of Podlasie dated ... regarding the adoption of a local zoning plan in the area enabling the construction of a section of the double-circuit 400 kV overhead power line Elk-national border in the area of the Bakalarzewo Commune.

The draft of the above Substitute Order, along with environmental impact forecast will be available from **22 May 2014 until 20 June 2014** at the premises of the Podlasie Voivodeship Office in Białystok at ul. Mickiewicza 3, room 320 (3rd floor) **from 8.00 a.m. to 3.00 p.m.** and available at www.bip.bialystok.uw.gov.pl.

The public discussion on the solutions adopted in the draft Substitute Order will be held on **12 June 2014 at 11.00 a.m.** in the Conference Room of the Municipal Public Library in Bakalarzewo, ul. Młyńska 11, 16-423 Bakalarzewo.

According to art. 18 section 1 of the Act on spatial planning and development as well as art. 39 section 1 point 3 of the Act on providing information about the environment and its protection, public participation in environmental protection and on environmental impact assessments, the comments on the solutions adopted in the draft Substitute Order and the environmental impact assessment may be submitted.

The comments should be sent to the Voivode of Podlasie with specifying one's forename and surname or name of the organizational unit and the address, identification of the property concerned, **within the deadline by 5 July 2014**, in the following form:

- written to the following address: Department of Infrastructure, Podlasie Voivodeship Office, ul. Mickiewicza 3, 15-213 Białystok;
- orally for the record at the premises of the Podlasie Voivodeship Office in Białystok, ul. Mickiewicza 3, room 320;
- electronically to the following address: wi@bialystok.uw.gov.pl.

The comments submitted will be considered by the Voivode of Podlasie within no more than 21 days from the time limit for their submission.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

[handwritten: Posted on the notice board on 12.05.2014; Removed on 20.06.2014]

[stamp: Upon authorisation of the COMMUNE HEAD, Stefan Blida, Department Manager]

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE , ul. Rynek 3, 16-423 BAKAŁARZEWO]

[stamp: I certify the copy as authentic, 10.08.2018]

[stamp: INSPECTOR, Janina Wróblewska]

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE , ul. Rynek 3, 16-423 BAKAŁARZEWO]

NOTICE
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I hereby inform

about providing for consultation of the draft Substitute Order of the Voivode of Podlasie dated ... regarding the adoption of a local zoning plan in the area enabling the construction of a section of the double-circuit 400 kV overhead power line Elk-national border in the area of the Bakalarzewo Commune.

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- written to the following address: Department of Infrastructure, Podlasie Voivodeship Office, ul. Mickiewicza 3, 15-213 Białystok;
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3, room 320;

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The comments submitted will be considered by the Voivode of Podlasie within no more than 21 days from the time limit for their submission.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

NOTICE
OF THE VOIVODE OF PODLASIE
of 24 October 2013

regarding the commencement of drawing up a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo.

Pursuant to art. 17 point 1 in conjunction with art. 12 section 3 of the Act of 27 March 2013 on spatial planning and development (Journal of Laws of 2012, item 647, as amended)

I hereby inform

on the issuance of a Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The power line will run through the precincts of Nieszki, Konopki, Karasiewo, Sadłowina, Gębalówka, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.

Those interested may submit proposals regarding the zoning plan. The proposals should be submitted in writing to the Podlasie Voivodeship Office, Department of Infrastructure, ul. Mickiewicza 3, 15-213 Białystok, room 320 on or before 12.11.2013.

The proposal should specify the surname, forename, name and address of the applicant, subject of the proposal and identification of the property concerned.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

**NOTICE OF THE
VOIVODE OF PODLASIE**

of 24 October 2013

regarding the commencement of drawing up a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line in the area of the Commune of Bakalarzewo.

Pursuant to art. 39 section 1 of the Act of 3 October 2008. on providing information about the environment and its protection, public participation in environmental protection and on environmental impact assessments (Journal of Laws No.199, item 1227, as amended)

I hereby inform

on the issuance of a Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The power line will run through the precincts of Nieszki, Konopki, Karasiewo, Sadłowina, Gębalówka, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.

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The proposal should specify the surname, forename, name and address of the applicant, subject of the proposal and identification of the property concerned.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

[handwritten: Posted on the notice board from 28.10.2013; Removed on 12.11.2013]

[stamp: Upon authorisation of the COMMUNE HEAD, Stefan Blida, Department Manager]

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKAŁARZEWO]

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKAŁARZEWO]

[stamp: I certify the copy as authentic, 10.08.2018]

[stamp: INSPECTOR, Janina Wróblewska]

NOTICE
OF THE VOIVODE OF PODLASIE
of 24 October 2013

regarding the commencement of drawing up a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo.

Pursuant to art. 17 point 1 in conjunction with art. 12 section 3 of the Act of 27 March 2013 on spatial planning and development (Journal of Laws of 2012, item 647, as amended)

I hereby inform

on the issuance of a Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The power line will run through the precincts of Nieszki, Konopki, Karasiewo, Sadłowina, Gębalówka, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.

Those interested may submit proposals regarding the zoning plan. The proposals should be submitted in writing to the Podlasie Voivodeship Office, Department of Infrastructure, ul.

Mickiewicza 3, 15-213 Białystok, room 320 on or before 12.11.2013.

The proposal should specify the surname, forename, name and address of the applicant, subject of the proposal and identification of the property concerned.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

[handwritten: Posted on the notice board from 28.10.2013; Removed on 12.11.2013]

[stamp: Upon authorisation of the COMMUNE HEAD, Stefan Blida, Department Manager]

[stamp: BAKALARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKALARZEWO]

[stamp: BAKALARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKALARZEWO]

[stamp: I certify the copy as authentic, 10.08.2018]

[stamp: INSPECTOR, Janina Wróblewska]

VOIVODE OF PODLASIE

Białystok, 23 December 2013

[handwritten: Ms Wróblewska]

[stamp: received, Bakalarzewo Municipal Office, 27.12.2013, daily ref. no. 2260/2013, signature]

WI-743.2.2.2013.AM

Bakalarzewo Municipal Office

ul. Rynek 3

16-423 Bakalarzewo

With regard to the proposal to the local zoning plan, filed on 6 November 2013, for the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo, we inform that the proposal **has not been accepted**.

The selected location of the project constitutes an optimum course, both in terms of environment and distance from residential buildings. According to information learned by us, the construction of the line as a cable line is not justified.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

Bakałarzewo, 04.11.2013

Bakałarzewo Municipal Office
ul. Rynek 3
16-423 Bakałarzewo

VOIVODE OF PODLASIE
ul. Mickiewicza 3
15-213 Białystok

RIG.6724.11.2013

Referring to the notice of the Voivode of Podlasie of 24 October 2013 on commencing to draw up a local zoning plan in the area allowing the construction of a section of the 400KV double-circuit overhead line on the territory of our commune, the Bakałarzewo Commune Office requests you to make effort to route the line as far as possible from the buildings or to provide a cable power line.

COMMUNE HEAD
Mgr Tomasz Naruszewicz

NOTICE
OF THE VOIVODE OF PODLASIE
of 12 November 2013

regarding the commencement of drawing up a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo.

Pursuant to art. 39 section 1 of the Act of 3 October 2008 on providing information about the environment and its protection, public participation in environmental protection and on environmental impact assessments (Journal of Laws No.199, item 1227, as amended) and due to the need to meet the 21-days time limit,

I hereby inform again

on the issuance of a Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The power line will run through the precincts of Nieszki, Konopki, Karasiewo, Sadłowina, Gębalówka, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.

Those interested may submit proposals regarding the zoning plan.
The proposals should be submitted in writing to the Podlasie Voivodeship Office, Department of Infrastructure, ul. Mickiewicza 3, 15-213 Białystok, room 320 on or before 09.12.2013.
The proposal should specify the surname, forename, name and address of the applicant, subject of the proposal and identification of the property concerned.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

[Handwritten: Posted on 14.11.2013 Removed on 11.12.2013]

[stamp: INSPECTOR, Janina Wróblewska]

[stamp: BAKALARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKALARZEWO]

[stamp: BAKALARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKALARZEWO]

[stamp: I certify the copy as authentic, 10.08.2018]

[stamp: INSPECTOR, Janina Wróblewska]

NOTICE
OF THE VOIVODE OF PODLASIE
of 12 November 2013

regarding the commencement of drawing up a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Municipality of Bakalarzewo,

Pursuant to art. 17 point 1 in conjunction with art. 12 section 3 of the Act of 27 March 2013 on spatial planning and development (Journal of Laws of 2012, item 647, as amended) and due to the need to meet the 21-days time limit,

I hereby inform again

about the issuance of a Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The power line will run through the precincts of Nieszki, Konopki, Karasiewo, Sadłowina, Gębalówka, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.

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The proposal should specify the surname, forename, name and address of the applicant, subject of the proposal and identification of the property concerned.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

[handwritten: Posted on the notice board on 14.11.2013; Removed on 11.12.2013]

[stamp: Upon authorisation of the COMMUNE HEAD, dr Roman Rynkowski, Commune Secretary]

[stamp: BAKALARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKALARZEWO]

[stamp: BAKALARZEWO MUNICIPAL OFFICE, ul. Rynek 3, 16-423 BAKALARZEWO]

[stamp: I certify the copy as authentic, 10.08.2018]

[stamp: INSPECTOR, Janina Wróblewska]

RESOLUTION NO. XXXII/204/13
OF THE BAKAŁARZEWO MUNICIPAL COUNCIL
of 15 November 2013 r.
on bringing a complaint against the Substitute Order

Pursuant to art. 98 section 1 of the Act of 8 March 1990 on municipal government (consolidated text Journal of Laws of 2013, items 594 and 64) and art. 3 § 2 point 7 of the Act of 30 August 2002 , Law on the procedure before administrative courts (consolidated text Journal of Laws of 2012, item 270; amended by: Journal of Laws of 2012, items 1101 and 1529) it is to be adopted as follows:

§ 1. It is to be decided to bring a complaint before the administrative court against the Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line in the area of the Commune of Bakałarzewo.

§ 2. 1. The Bakałarzewo Commune Head is authorized to file the complaint, take all actions during the proceedings, and to represent the applicant before an administrative court.

2. The Commune Head may appoint litigation attorneys.

§ 3. The resolution shall become effective on the day of its adoption.

PRESIDENT
OF THE MUNICIPAL COUNCIL
mgr inż. Grzegorz Kozłowski

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE , ul. Rynek 3, 16-423 BAKAŁARZEWO]

[stamp: I certify the copy as authentic, 10 August 2018]

[stamp: Upon authorisation of the COMMUNE HEAD, mgr Ewa Żukowska, Head of the Organisation Department]

[handwritten OOG.0057.80.2013]

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE , ul. Rynek 3, 16-423 BAKAŁARZEWO]

[stamp: BAKAŁARZEWO COMMUNE HEAD , ul. Rynek 3, 16-423 BAKAŁARZEWO]

Bakałarzewo, 15 November 2013

**Regional Administrative Court
in Białystok
ul. Sienkiewicza 84
15-950 Białystok**

**via the
Voivode of Podlasie
Podlasie Voivodeship Office
ul. Mickiewicza 3
15-213 Białystok**

Applicant:
Municipal Council of Bakałarzewo
ul. Rynek 3
16-423 Bakałarzewo

COMPLAINT

against the Substitute Order of the Voivode of Podlasie regarding commencing to draw up a zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national-border on the territory of the Commune of Bakałarzewo.

Acting pursuant to art. 98 paragraph 1 of the Act of 8 February 1990 on municipal government and art. 3 § 2 point 7 and art. 50 § 1 of the Act of 30 August 2002 Law on proceedings before administrative courts, the Bakałarzewo Commune Council files a complaint against the Substitute Order of the Voivode of January regarding commencing to draw up a zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national-border on the territory of the Commune of Bakałarzewo due to its non-compliance with the law, and requests:

- the annulment the contested replacement order and eliminate it from legal transactions,
- discontinuation of the execution of the contested Substitute Order.

Substantiation

On 28 October 2013, the Bakałarzewo Municipal Council received a Substitute Order issued by the Voivode of Podlasie of 15 October 2013 on commencing to draw up a zoning plan in the area allowing the construction

[stamp: BAKAŁARZEWO MUNICIPAL OFFICE , ul. Rynek 3, 16-423 BAKAŁARZEWO]

[stamp: I certify the copy as authentic, 10 August 2018]

[stamp: Upon authorisation of the COMMUNE HEAD, mgr Ewa Żukowska, Head of the Organisation Department]

of a section of the double-circuit 400kV overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The content of the order did not specify the date and manner of appeal against the resolution provided for therein.

Evidence:

- a copy of the Substitute Order of the Voivode of Podlasie of 15.10.2013

This ordinance was issued under art. 12 section 3 of the Act on spatial planning and development as a result of the resolution no. XXIX/188/13 of the Municipal Council of 23 July 2013 regarding the withdrawal from adopting the amendment to the "Study of conditions and directions of spatial development of the Commune of Bakalarzewo". This resolution was adopted due to the refusal by the investor's representative to adapt the draft local zoning plan and the spatial development study to the comments taken into account by the Commune Head in the order no. 30/2013 of 28.05.2013.

Evidence:

- Resolution of the Bakalarzewo Municipal Council.
- Letter from the Commune Head, ref.no. OOG.0057.61.2013 dated 3.09.2013.
- Reply of the investor's representative dated 9.09.2013.

The spatial development study for the commune, according to art. 11 point 6 of the Act on spatial planning and development, should be compliant with the regional zoning plan. According to the zoning plan of the Podlasie Voivodeship approved by Resolution No. IX/80/03 of the Podlaskie Regional Assembly of 27 June 2003, the textual part of the regional plan contains general external conditions for spatial development, internal conditions for spatial development, spatial development objectives, spatial development rules, directions of spatial development, supra-local tasks to achieve public objectives. The plan refers to the construction of a transmission system with Lithuania: the double-circuit 400 kV line Alytus - Ełk, the 400/110 kV station in Ełk, the 400 kV one-circuit line "NAREW"-Ełk and Ełk-Mętki. This connection, recognized as a government task, will be implemented in stages. It will have a significant impact on improving safety of operation of the north-east part of the PPS in normal and emergency states, and it will enable reduction of transmission losses (approximately 38 MW) and will improve the economics of the use of the Ostrołęka power plant. It will also allow participation in the European energy market in the Baltic area and safe modernization and reconstruction of the 220 kV network in this area. The graphical part of the regional plan, which is an integral part of the plan, shows that the 400 kV double-circuit line bypasses Bakalarzewo from the south. In the grounds for the Resolution No. XXXI/384/13 of the Podlasie Regional Assembly of 9 September 2013 on commencing to draw up an amendment of the Zoning Plan for the Region of Podlasie, it was indicated that the double-circuit line WN 400kV GPZ "Ełk" -Alytus (Lithuania) functioned as a government task of Polskie Sieci Energetyczne until 2010.

Evidence:

- resolution no IX/80/03 of the Podlasie Regional Assembly of 27 June 2003
- resolution No. XXXI/384/13 of the Podlasie Regional Assembly of 9 September 2013 on commencing to draw up an amendment of the Zoning Plan for the Region of Podlasie.

However, according to the investor's request, this line was to bypass Bakalarzewo from the north. Therefore, the commune council was not able to prepare an amendment to the study of conditions and directions of spatial development of the Bakalarzewo Commune in accordance with the investor's request, as the arrangements of the study would be inconsistent with the regional zoning plan. The applicable law does not provide for exceptions from compliance in the case of public purpose project location. Therefore, the Bakalarzewo Municipal Council proceeded correctly by renouncing the amendment to the study, because the investor did not express the will to change

the course of the line in accordance with the regional development plan. In view of the above, the issue of the contested Substitute Order by the Voivode of Podlasie was unfounded. In support of the applicant's arguments, it should be pointed out that it was only on 9 September 2013 when the Podlasie Regional Assembly adopted a resolution to amend the zoning plan for the Podlasie Voivodship concerning the course of the 400 KV power line in the area of the Bakalarzewo Commune.

Evidence:

- Notice of the Marshal of Podlaskie Voivodeship of 21.10.2013

The request to discontinue the implementation of a Substitute Order is justified by the risk of causing far-reaching factual and legal consequences, which may cause irreversible negative effects for the whole commune. The detailed location of the public-purpose investment falls within the scope of local government, and the attempt to impose it by the supervisory authority contrary to the law would constitute an interference with the independence of the commune in the field of local planning.

Considering the above, I request as specified at the outset.

Attachments:

- Resolution No. XXXII/204/13 of the Bakalarzewo Municipal Council of 15 November 2013 on bringing a complaint against the Substitute Order,
- copies of the evidence invoked in the complaint,
- certified copy of the complaint with attachments,
- proof of payment of the court fee of PLN 300.

COMMUNE HEAD
Mgr Tomasz Naruszewicz

NOTICE
OF THE VOIVODE OF PODLASIE
of 12 November 2013

regarding the commencement of drawing up a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo.

Pursuant to art.39 section 1 of the Act on providing information about the environment and its protection, public participation in environmental protection and on environmental impact assessments (Journal of Laws No.199, item 1227, as amended) and due to the need to meet the 21-days time limit,

I hereby inform again

on the issuance of a Substitute Order of the Voivode of Podlasie dated 15 October 2013 concerning the preparation of a local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo. The power line is intended to run through the precincts of Nieszki, Konopki, Karasiewo, Sadłowina, Gębalówka, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.

Those interested may file proposals regarding the above mentioned local zoning plan. The proposals should be submitted in writing to the Podlasie Voivodeship Office, ul. Mickiewicza 3, 15-213 Białystok, room 320, on or before 09.12.2013.

The proposal should specify the surname, forename, name and address of the applicant, subject of the proposal and identification of the property concerned.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

COMMUNE HEAD
BAKAŁARZEWO
Ul. Rynek 3
18-423 BAKAŁARZEWO

Bakałarzewo, 19.02.2014

Ref. no. RIG.6724.3.2014

DECISION

Pursuant to art. 17 point 6 (b), art. 24 section 1 and art. 25 section 1 of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2012, item 647, as amended) in conjunction with art. 106 and 124 of the Act of 14 June 1960 - Code of Administrative Procedure (consolidated text: Journal of Laws of 2013, item 267)

The Bakałarzewo Municipality Mayor

1. refuses to agree on the draft local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Elk-national border in the area of the Commune of Bakałarzewo, proposed by the Voivode of Podlasie on 10.02.2014
2. submits the following reservations to the draft local zoning plan proposed for consultation:
 - a) The draft plan did not take into account the comments made by the Bakałarzewo Commune Head on 04.11.2013, regarding the location of the line at a distance as far as possible from residential buildings, or alternatively, implementing it in cable technology,
 - b) The draft plan does not take into account the comments of residents of the Bakałarzewo Commune, adopted by the Order of the Bakałarzewo Commune Head No. 30/2013 of 28 May 2013, concerning health concerns due to the proximity of the 400 kV overhead power line near residential buildings, and its construction as a cable line near residential buildings.

SUBSTANTIATION

The Voivode of Podlasie, on 10.02.2014 submitted for consultation to the Bakałarzewo Commune Head a local zoning plan for the area allowing construction of a section of the double-circuit route 400 kV overhead power line Elk - national border in the area of the Bakałarzewo Commune according to the procedure under art. 17 point 6 (b), in conjunction with art. 12 section 3 of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2012, item 647, as amended), setting a 14-day deadline for the arrangements.

The Bakałarzewo Commune Head, having analysed the draft plan in terms of tasks performed by the local government, states that the draft plan is contrary to the legislation on spatial planning in the following areas:

- a) the draft plan failed to take into account the comments submitted by the Commune Head on 04.11.2013, concerning the location of the course of the line at a distance as far as possible from residential buildings or alternatively, its implementation in cable technology,
- b) the draft plan does not take into account the comments of residents of the Bakałarzewo Commune accepted by the Order of the Bakałarzewo Commune Head No. 30/2013 of 28 May 2013, concerning health concerns due to the proximity of the 400 kV overhead power line near residential buildings, and its construction as a cable line near residential buildings.

In view of the above, the Bakalarzewo Commune Head has refused to agree on the submitted draft local zoning plan.

[Seal: Bakalarzewo Commune Head]

dr Tomasz Naruszewicz

Forename, surname and signature of
the Commune Head

Instruction:

The Voivode of Podlasie has the right to file a complaint against this decision to the Local Government Appeal Court in Suwałki. The complaint shall be lodged via the Bakalarzewo Commune Head within 7 days from the service of this order.

Białystok, 03 February 2014

According to the distribution list

The Voivode of Podlasie, pursuant to art. 17 point 6(b), in conjunction with art. 12 section 3 of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2012, item 647, item 951 and item 1445, and of 2013, item 21, item 405 and item 1238), **requests for the consultation of:**

the local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Elk-national border in the area of the Commune of Bakalarzewo.

Please, take a position on the above-mentioned draft local zoning plan within **14 days from the date of receipt**.

Failure to take a position in the above-mentioned period shall be deemed tantamount to agreeing on the draft local zoning plan.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

Distribution list:

1. Zarząd Województwa Podlaskiego w Białymstoku, ul. Kard. St. Wyszyńskiego 1, 15-888 Białystok;
2. Zarząd Powiatu w Suwałkach, ul. Świerkowa 60, 16-400 Suwałki;
3. Regionalny Dyrektor Ochrony Środowiska w Białymstoku, ul. Dojlidy Fabryczne 23, 15-554 Białystok;
4. Regionalny Zarząd Gospodarki Wodnej w Warszawie - Zarząd Zlewni w Giżycku - Nadzór Wodny W Augustowie, ul. 29 Listopada, 16-300 Augustów;
5. Dowództwo Sił Powietrznych RP, ul. Żwirki i Wigury 103, Warszawa
6. Urząd Lotnictwa Cywilnego, ul. M. Flisa 2, 02-247 Warszawa;
7. Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział w Białymstoku, Zwycięstwa 2, 15-703 Białystok;
8. Podlaski Zarząd Dróg Wojewódzkich w Białymstoku, ul. Elewatorska 6, 15-620 Białystok;
9. Zarząd Dróg Powiatowych, ul. Ogrodowa 57, 16-400 Suwałki;
10. Wojewoda Podlaski - Wydział Bezpieczeństwa i Zarządzania Kryzysowego, ul. Mickiewicza 3, 15-213 Białystok;
11. Szef Wojewódzkiego Sztabu Wojskowego w Białymstoku, ul. Kawaleryjska 70/3, 15-601 Białystok;
12. Podlaski Oddział Straży Granicznej, ul. gen. Józefa Bema 100, 15-370 Białystok;
13. Agencja Bezpieczeństwa Wewnętrznego Delegatura W Białymstoku, Żurawia 69, 15-535 Białystok;
14. Komendant Wojewódzka Policji W Białymstoku, ul. Sienkiewicza 65, 15-003 Białystok;
15. Komendant Miejskiej Policji w Suwałkach, ul. Pułaskiego 26, 16-400 Suwałki;
16. Okręgowy Urząd Górniczy w Lublinie, ul. Magnoliowa 2, 20-143 Lublin;
17. Wojewódzki Konserwator Zabytków w Białymstoku, ul. Dojlidy Fabryczne 23, 15-554 Białystok;

COMMUNE HEAD
BAKAŁARZEWO
Ul. Rynek 3
18-423 BAKAŁARZEWO

Bakałarzewo, 19/02/2014

Ref. no. RIG.6724.3.2014

DECISION

Pursuant to article 17 point 6(a), art. 24 section 1 and art. 25 section 1 of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2012, item 647, as amended) in conjunction with art. 106 and 124 of the Act of 14 June 1960 - Code of Administrative Procedure (consolidated text: Journal of Laws of 2013, item 267)

the Bakałarzewo Municipality Mayor

decides as follows

1. To issue a negative opinion on the draft local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Elk-national border in the area of the Commune of Bakałarzewo, proposed by the Voivode of Podlasie on 10.02.2014
2. To submit the following reservations to the draft local zoning plan proposed for opinion:
 - a) The draft plan did not take into account the comments made by the Bakałarzewo Commune Head on 04.11.2013, regarding the location of the line at a distance as far as possible from residential buildings, or alternatively, implementing it in cable technology,
 - b) The draft plan does not take into account the comments of residents of the Bakałarzewo Commune, adopted by the Order of the Bakałarzewo Commune Head No. 30/2013 of 28 May 2013, concerning health concerns due to the proximity of the 400 kV overhead power line near residential buildings, and its construction as a cable line near residential buildings.

SUBSTANTIATION

The Voivode of Podlasie, on 10.02.2014 submitted to the Bakałarzewo Commune Head for opinion a local zoning plan for the area allowing construction of a section of the double-circuit route 400 kV overhead power line Elk - national border in the area of the Bakałarzewo Commune according to the procedure under art. 17 point 6 (a), in conjunction with art. 12 section 3 of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2012, item 647, as amended), setting a 14-day time limit for submitting the opinion.

The Bakałarzewo Commune Head, having analysed the draft plan in terms of tasks performed by the local government, states that the draft plan is contrary to the legislation on spatial planning in the following areas:

- a) the draft plan failed to take into account the comments submitted by the Commune Head on 04.11.2013, regarding the location of the line at a distance as far as possible from residential buildings, or alternatively, implementing it in cable technology,
- b) The draft plan does not take into account the comments of residents of the Bakałarzewo Commune, adopted by the Order of the Bakałarzewo Commune Head No. 30/2013 of 28 May 2013, concerning health concerns due to the proximity of the 400 kV overhead power line near residential buildings, and its construction as a cable line near residential buildings. In view of the above, the Bakałarzewo Commune Head has issued a negative opinion on the

submitted draft local zoning plan.

[Seal: Bakalarzewo Commune Head]

dr Tomasz Naruszewicz

Forename, surname and signature of
the Commune Head

Instruction:

The Voivode of Podlasie has the right to file a complaint against this decision to the Local Government Appeal Court in Suwałki. The complaint shall be lodged via the Bakalarzewo Commune Head within 7 days from the service of this order.

VOIVODE OF PODLASIE

WI.V.743.2.2.2013.AM

[handwritten: Ms Wróblewska]

[stamp: received, Bakalarzewo Municipal Office, 10.02.2014, daily ref. no. 279/2014, signature]

Białystok, 03 February 2014

According to the distribution list

The Voivode of Podlasie, pursuant to art. 17 point 6(a), in conjunction with art. 12 section 3 of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2012, item 647, item 951 and item 1445, and of 2013, item 21, item 405 and item 1238), **requests for an opinion on:**

the local zoning plan in the area allowing the construction of a section of the 400 kV double-circuit overhead power line Ełk-national border in the area of the Commune of Bakalarzewo.

Please, take a position on the above-mentioned draft local zoning **plan within 14 days from the date of receipt** .

Failure to take a position in the above-mentioned period shall be deemed tantamount to submitting an opinion on the draft local zoning plan.

DEPUTY VOIVODE OF PODLASIE

Wojciech Dzierzgowski

Distribution list:

1. Marszałek Województwa Podlaskiego w Białymstoku, ul. Kard. St. Wyszyńskiego 1, 15-888 Białystok
2. Gminna Komisja Urbanistyczno-Architektoniczna, Urząd Gminy Suwałki, ul. Kościuszki 71, 16-400 Suwałki;
3. Wójt Gminy Bakalarzewo, ul. Rynek 3, 16-423 Bakalarzewo;
4. Prezydent Miasta Suwałki, ul. Mickiewicza 1, 16-400 Suwałki;
5. Wójt Gminy Suwałki, ul. Kościuszki 71, 16-400 Suwałki;
6. Burmistrz Olecka, ul. Plac Wolności 3, 19-400 Olecko;
7. Wójt Gminy Wieliczki, ul. Lipowa 53, 19-404 Wieliczka
8. Regionalny Dyrektor Ochrony Środowiska w Białymstoku, ul. Dojlidy Fabryczne 23, 15-554 Białystok;
9. Wojewoda Podlaski - Wydział Bezpieczeństwa i Zarządzania Kryzysowego, ul. Mickiewicza 3, 15-213 Białystok;
10. Starosta Powiatu Suwalskiego, ul. Świerkowa 60, 16-400 Suwałki;
11. Komendant Wojewódzkiej Państwowej Straży Pożarnej w Białymstoku, ul. Warszawska 3, 15-062 Białystok;
12. Komendant Powiatowej Państwowej Straży Pożarnej w Suwałkach, ul. Pułaskiego 73, 16-400 Suwałki;
13. Wojewódzki Inspektor Ochrony Środowiska w Białymstoku, ul. Ciołkowskiego 2/3, 15-264 Białystok;
14. Warmińsko-Mazurski Wojewódzki Inspektor Sanitarny, Wojewódzka Stacja Sanitarno-Epidemiologiczna w Białymstoku, DELEGATURA W SUWAŁKACH, ul. Piaskowa 5, 16-400 Suwałki;
15. Państwowy Powiatowy Inspektor Sanitarny w Suwałkach, ul. Utrata 9A, 16-400 Suwałki;

16. Wojewódzki Zarząd Melioracji i Urządzeń Wodnych w Białymstoku Oddział Terenowy w Suwałkach, Portowa 12, 16-300 Augustów;
17. PGE Dystrybucja S.A. Oddział Białystok Departament Eksploatacji i Rozwoju, ul. Elektryczna 13, 15-950 Białystok;
18. Polska Spółka Gazownictwa sp. z o.o. Oddział w Warszawie, Zakład w Białymstoku, ul. Zacisze 8, 15-138 Białystok;
19. Polskie Sieci Elektroenergetyczne S.A., ul. Warszawska 165, 05-520 Konstancin-Jeziorna