

The decision on the manner of considering comments to the Voivode's Supreme Administrative Order of July 16, 2014 regarding the adoption of a local spatial plan in the area enabling the implementation of a section of 400 kV double circuit overhead power line Elk - state border in the Bakalarzewo municipality

Implementing the Supplementary Regulation of the Podlasie Voivode (hereinafter SRPV) from October 15, 2013 concerning the preparation of a local spatial plan in the area enabling the implementation of a section of 400 kV double circuit overhead power line Elk - State border in the Bakalarzewo municipality a Supplementary Regulation was prepared regarding the adoption of a local spatial plan in the area enabling the implementation of a section of 400 kV double circuit overhead power line Elk - State border in the area of Bakalarzewo municipality.

The subject draft of SRPV was developed in the mode of art. 12 par. 3 of the Spatial Planning and Development Act of 27 March 2003 (OJ 2012.647, as amended, hereinafter SPDA) and in accordance with the conditions specified in SPDA. The local spatial development plan adopted in this mode has legal effects such as the local spatial plan.

The SRPV project was available for public inspection on May 22, 2014 until June 20, 2014. Comments to the draft SRPV could be submitted no later than till July 5, 2014.

Four persons, including one representing a group of residents, made comments to the SRPV project. Many comments did not apply to the SRPV project but was merely a request to undertake other activities related to the implementation of the investment in the municipality of Bakalarzewo.

Comments were not considered.

Comments on the SRPV project were filed by:

1)

2)

3)

4) Mr. Mirosław P.....; Kolonie; (representing a group of residents of the Bakalarzewo municipality).

When examining the comments raised, it was found:

Ad 4 – comments raised by Mr P.....; /representing a group of residents /

1. Regarding the remark concerning the erroneous statement that in the study of conditions and directions of spatial development of the Municipality of Bakalarzewo, the 400 kV power line is not taken into account, I kindly explain that the Voivode, acting on the basis of art. 12 par. 3 of the Spatial Planning and Development Act of March 27, 2003 (OJ 2012.647, as amended, hereinafter SPDA), draw up a local spatial development plan in the area of Bakalarzewo Municipality to the extent necessary for the possibility of realizing a public purpose investment, however, only after fulfilling the conditions set out in the aforementioned art. 12 par. 3. This provision clearly states that: "If the municipality council did not enact a study, did not change it or, by adopting a study, did not specify in it areas of public-purpose investment of national and voivodship importance, included in the voivodship spatial plan or programs, referred to in art. 48 par. 1, voivode, after taking steps to agree on the date of implementation of these investments and the conditions for introducing these investments to the study, calls on the commune council to pass the study or change it within the prescribed period. After the expiry of this period, the voivode draws up a local spatial plan or change it for the area affected by the omission of the municipality, to the extent necessary for the feasibility of the public purpose investment and issues a supplementary regulation in this matter. The plan adopted in this mode has legal effects such as the local spatial plan." Before the commencement of the local spatial plan procedure, the voivode meticulously and reliably checked whether the above-mentioned

conditions were fulfilled. Many letters received from the Mayor of the Bakalarzewo Municipality as well as from Bakalarzewo Municipal Council informed about the impossibility of dealing with the problem of adopting a change in the study of conditions and directions of spatial development of the municipality (hereinafter SCDS) and local spatial plan and stopping work on these documents prompted the Voivode to ask questions, whether the appropriate change in the performance determining the areas of the public purpose investment placement will be passed, when such change will be passed by the Municipal Council, whether such change will be passed at all. In response to these questions Bakalarzewo Municipal Council adopted a resolution XXIX/188/13 of 23 July 2013. regarding the withdrawal from the adoption of the amendment to the "Study of conditions and directions of spatial development of the municipality of Bakalarzewo", which change was to determine the area of public investment, which is the construction of the 2x400 kV line. Subsequent activities of the voivode resulted from the provisions of art. 12 par. 3 of SPDA. The voivode called on the municipal council to pass a change in the study consisting in determining the area of distribution of the public-purpose investment which is the 400-kV line Elk - the State Border. At that time, the municipality could pass both the course of the line and the type (cable – overhead) line in a manner that suited all residents of the commune. The voivode did not order and did not impose any solutions. At the same time, to confirm that the 400-kV line is not included in the municipality study, the Voivode appealed to the Mayor of the Bakalarzewo municipality with a request for an extract and sketch from the current SCDS. Received documents confirmed the absence of a 400-kV line in the municipality SCDS. In addition, the absence of power line in municipality SCDS confirms the certificate issued by the Mayor of Municipality of 15 January 2009, letter sign: RIG 7323/3/09, in which he stated that for the route of the planned 400 kV line Elk - Polish border - Alytus (Lithuania) a strip of land in the local municipality does not have a valid spatial plan and at the same time, in the same letter, local municipality office certifies that the mentioned line was introduced in valid until 31 December 2003 local spatial plan as power lines designed for 400kV + 110kV. The letter also states: ***"In the text of the study of the conditions and directions of spatial development of the Bakalarzewo municipality, the route of the above-mentioned line has not been included."*** All the above confirms that the Voivode, acting in the mode of art. 12 par. 3 of SPDA acts in accordance with the law and after repeated assurance that all the conditions contained in this provision have been met. In addition, I would like to inform you that copies of maps received from you are not copies of the SCDS maps of municipality, but they are copies of not valid local spatial plan maps. In addition, only some of these maps are stamped "certified copies".

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

2. Regarding the remark concerning the withdrawal by the Municipal Council from the adoption of a change in SCDS at the request of the Voivode and the adoption of this resolution by councillors having their own legal interest, I kindly explain that this note does not apply to the draft SRPV, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the Voivode never applied to the Mayor of the Bakalarzewo Municipality or the Bakalarzewo Municipality Council to enact any resolution. The voivode only asked for the final position, whether the work on the implementation of the 400-kV power line to the municipality study will be continued or not (it also results from the protocol that you attached to the submitted comments). The municipality council correctly decided in the above case by means of a resolution. At the same time, I explain that it is the Municipal Councillors who are the only people authorized to vote on the resolutions of the municipality. From the protocol you provided, it does not follow that they acted under any pressure or influence.

It should be noted that this remark is inconsistent with the first note, in which you inform us that the 400-kV line is in the municipality's SCDS. It should be remembered that the municipality for over two years has been changing the study to introduce a 400-kV line to it.

3. Regarding the remark concerning the lack of public consultations in the selection of the variant to be implemented and the exclusion of the local community from the possibility of correction of the route within the registration plots, I kindly explain that the Voivode acting pursuant to art. 12 par. 3 of SPDA before the commencement of the planning procedure for the preparation of local spatial plan for the 400 kV line in the Municipality of Bakalarzewo carried out a number of analyses of documents concerning environmental issues, which clearly showed that during their preparation the local community was not omitted and many times various variants of a route of the subject line through the area of Bakalarzewo municipality were consulted. At the same time, from the decision of the competent authority for environmental protection, that is RDEP in Białystok, it follows that 6 variants of this route were analysed. While analysing these variants, RDEP confirmed that the variant indicated by the investor meets all requirements resulting from legal regulations. The consequence of this is the RDEP's confirmation in its decision that this option is the least harmful to the environment, and therefore also to humans. The Voivode's actions in accordance with the art. 12 par. 3 of SPDA do not provide for social consultations during the procedure, and yet the Voivode met the requests of the residents of the Municipality by repeatedly delegating his representatives for meetings with residents regarding the 400-kV line in the municipality. At the request of the Voivode, to answer all questions asked by the inhabitants as fully and as reliably as possible, representatives of RDEP and the investor participated in these meetings. Such meetings, even though they did not result from the SPDA regulations, took place in the Public Library of Bakalarzewo Municipality, Podlasie Agriculture Chamber (PIR) in Porosły, in the Suwałki Powiat Labour Office (PUR), in the Podlasie Voivodship Office (PUW) in Białystok, one of the Voivode's written proposals was left unanswered. Not forgetting the local community and multiple consultations, and even introducing corrections of the route of the line is also evidenced by documents that were prepared during the over two-year period of proceeding by the municipality of SCDS changes for the 400-kV line.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

4. Regarding the remark concerning concealment of the intentions of public authorities and the investor regarding the areas covered by the plan, I kindly explain that the Voivode fully took into account public participation in the process of preparing the Supplementary Regulation, in accordance with the provisions of art. 17 points 1 and 9 of SPDA and art. 39 par. 1, art. 40, art. 54 par. 2 and 3 of the Act of 3 October 2008 on the provision of information about the environment and its protection, public participation in environmental protection and environmental impact assessments – hereinafter PAEP. All announcements and notices in this case, both about joining the preparation of the local spatial plan and about the publication of the SRPV's design for public inspection were published in accordance with SPDA, and therefore at the Public Information Bulletin (BIP) of PUW, on the Municipality and PUW bulletin boards and in the press. In accordance with the provisions of art. 17 point 1 of SPDA The Voivode of Podlasie announced the issuance of an ordinance regarding the preparation of a local spatial plan in the area enabling the implementation of a section of 400 kV double circuit overhead power line Ełk - state border in the area of Bakalarzewo municipality: on October 28, 2013 and November 18, 2013 in Gazeta Wyborcza newspaper, from November 18, 2013 on the BIP PUW website, between October 25 and November 12, 2013 and from November 18 till December 9, 2013 on PUW and Municipal Office of Bakalarzewo bulletin boards. The above shows that there is no confirmation in the facts of the statement about concealment of the intentions of public authorities as to the areas covered by the plan.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

5. Regarding the comments concerning the lack of informing by the Voivode of property owners neighbouring to an investment from both the Bakalarzewo municipality and from the municipalities bordering with Bakalarzewo, on which the investment will have a significant impact, I kindly explain that the Voivode in accordance with the provisions of art. 17 of SPDA correctly informed in announcements and notices about all activities he undertook regarding the 400 kV line. In addition, the

Voivode sent written notifications of accession to prepare a local spatial plan for 400 kV line in the Bakalarzewo municipality to all institutions and authorities competent to agree and review the plan. The above shows that the Voivode fulfilled all the legal obligations to inform both individuals, authorities and institutions regarding SRPV for the 400-kV line.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

6. Regarding the remark concerning the manner of determining the public discussion within the timeframe preventing the collection of information about the plan and in a way that does not take into account the specificity of work in agriculture, I am kindly explaining that this note does not apply to the draft of SRVP, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the SRPV project was publicly available at the Podlasie Voivodship Office and posted on the BIP website from 22 May 2014, that is 21 days before the public discussion, which took place on 12 June. This is a term fully compliant with the provisions of art. 17 point 9 of SPDA. In addition, when and where the SRPV project will be available for public viewing, where and when the public discussion of the solutions adopted in the SRPV will take place, and how and until when you can comment on the SRPV project, you were informed in advance by the Mayor of the Bakalarzewo Municipality, who, 7 days before the SRPV project was publicly displayed, hung an appropriate announcement on the municipality bulletin board. The above shows that you knew about the date of the public discussion almost a month before it. The Voivode has not received any signals from you that may indicate that the deadline set for you in accordance with the SPDA does not correspond to you. Submission of such a proposal during a public discussion on 12 June 2014 in Bakalarzewo only could not be accepted. Public discussion on the solutions adopted in the SRPV regarding the adoption of the local spatial plan in the area enabling the implementation of a section of 400 kV double circuit overhead power line Elk – state border in Bakalarzewo municipality took place correctly on 12 June 2014.

7. As for the remark regarding the failure to present the draft plan in the Bakalarzewo Municipality Office, which made it impossible to study by all interested and parties to proceedings, I kindly explain that this note does not apply to the draft SRPV, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the regulations do not specify in which place the project of the plan should be posted, particularly they do not order to post it in the municipality office. According to art. 12 par. 3 of SPDA, the authority preparing the local spatial plan for the 400-kV line is the Voivode, and therefore the draft SRPV has been publicly available at the Podlasie Voivodship Office. At the same time, it should be noted that the Voivode placed this project on the websites of PUW, which he was not obliged to do, because the SPDA regulations introduce the requirement to publish the project on the website only in relation to the study - art. 11 points 10 of SPDA. Therefore, there is no doubt that the residents had the opportunity to get acquainted with the SRPV project.

8. Regarding the remark concerning the incompatibility of the draft SRPV with the SCDS, I kindly explain that the Voivode, acting pursuant to art. 12 par. 3 of SPDA in supervisory mode, draws up a spatial development plan for Bakalarzewo Municipality to the extent necessary for the possibility of pursuing a public purpose investment, however, only after fulfilling the conditions set out in the aforementioned art. 12 par. 3. This provision clearly states that: "If the municipality council did not enact a study, did not change it or, by adopting a study, did not specify in it areas of public-purpose investment of national and voivodship importance, included in the voivodship spatial plan or programs, referred to in art. 48 par. 1, voivode, after taking steps to agree on the date of implementation of these investments and the conditions for introducing these investments to the study, calls on the commune council to pass the study or change it within the prescribed period. After the

expiry of this period, the voivode draws up a local spatial plan or change it for the area affected by the omission of the municipality, to the extent necessary for the feasibility of the public purpose investment and issues a supplementary regulation in this matter. The plan adopted in this mode has legal effects such as the local spatial plan." The above is an exception, where the prepared by the Voivode local spatial plan is inconsistent with the study. The legislator provided for such a possibility when, after the Municipality did not enter a public purpose investment into the study, as part of the supervisory activity, the Voivode proceeds to prepare the local spatial plan without considering the municipality study, which means that local spatial plan is inconsistent with the municipality study. It should be particularly emphasized that this non-compliance is provided for and allowed by the legislator in the particular case of the municipal council's failure to change the study, which would define the areas of public-purpose investment of national importance, and such investments include the 400kV power line Elk - State border, part of which is a fragment running through the municipality of Bakalarzewo. The correctness of the procedure carried out by the Voivode at the stage of the SRPV on the accession to the preparation of the local spatial plan for the 400-kV line in the Municipality of Bakalarzewo had been confirmed by the Voivodship Administrative Court (VAC) in Bialystok in the judgment of 6 March 2014, ref. no: II SA/Bk 1162/13. In this note, you also write that the 400-kV line is included in the present SCDS. As it has already been shown, also at the trial in the VAC, in the current study of conditions and directions of Bakalarzewo municipality spatial development, the 400-kV line Elk - the state border is not included. The above is confirmed by an extract and sketch from the study and a certificate issued by the Mayor of Municipality on January 15, 2009, letter sign: RIG 7323/3/09, in which he stated that for the route of the planned 400 kV line Elk - Polish border - Alytus (Lithuania) a strip of land in the local municipality does not have a valid spatial plan and at the same time, in the same letter, local municipality office certifies that the mentioned line was introduced in valid until 31 December 2003 local spatial plan as power lines designed for 400kV + 110kV. The letter also states: ***"In the text of the study of the conditions and directions of spatial development of the Bakalarzewo municipality, the route of the above-mentioned line has not been included."*** All the above confirms that the Voivode, acting in the mode of art. 12 par. 3 of SPDA acts in accordance with the law.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

9. Regarding requests:

- repeal of the SRPV of October 15, 2013 on accession to draw up a local spatial plan for the area enabling the implementation of a 400 kV double circuit power line and replacing it with a record of a cable line; - preparation of a draft plan for a 2x400 kV double circuit cable (underground) power line for the Bakalarzewo municipality section of the route; I am kindly explaining that these requests do not concern the SRPV project, and therefore do not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the request to repeal the SRPV of October 15, 2013 has already been examined by the VAC in Bialystok, which court in its judgment of 6 March 2014, ref. file: II SA/Bk 1162/13 did not share the applicants' opinion, that is, the Municipal Council and Mayor of Municipality, and confirmed the correctness of its issuance by the voivode. At the same time, I explain that the Voivode, acting based on art. 12 par. 3 of SPDA performed the activities described therein to agree on the date of implementation of this investment and the conditions for introducing this investment into the study. One of the conditions was the implementation of the overhead line and for this reason drawn up in the substitute mode by the Voivodship local spatial plan for the 400-kV line in the Municipality of Bakalarzewo provides for the implementation of an overhead line. In addition, according to the provisions regarding the implementation of the line as a cable line contained on page 31 of GDEP decision of 16/12/2013, sign: DOOŚOAI.4202.3.2013.AL.7 *"this method of investment implementation leaves a clear ecological footprint (change in soil structure) along the entire length of the transmission system route (significant excavations for the cable line) and visible connection points*

of the cable sections (for transport and assembly reasons not longer than 600 - 800 m) - cable wells, or possible places for introducing cooling air into tunnels, end stations with overhead elements [...]. [...] in the case of a cable line failure, repairing the damage requires a long-term and expensive location of the damage, and each time carrying out earthworks. Removal of the failure in this case involves: repeated devastation of the area within the cable line to repair the damage, devastation of the surrounding area to transport the necessary equipment and materials to remove the damage to the line [...]. In the situation of removing the failure of overhead lines, there is no significant interference in the environment.” The implementation of the cable line carries far-reaching, negative environmental effects that far outweigh the effects of the implementation of the overhead line.

10. Regarding requests:

- submit of a financial impact forecast for the adoption of a local plan considering art. 36 of SPDA;
- re-expounding draft SRPV and all its attachments at the Municipality of Bakalarzewo Office;
- more thorough review of the remarks and annexes to the remarks before re-issuing the ordinance;
- orders for specialists and experts from our voivodship to re-draft the forecasts of environmental impact with the inclusion of impact on people, providing safe distances from housing development and landscape and cultural development for the areas of the proposed investment and neighbouring areas;
- rejection of the draft plan in full, due to its shortcomings, inaccuracies and illogical expressions and the threat to the Municipality - unavoidable lack of financial liquidity;

I am kindly explaining that these requests do not concern the SRPV project, and therefore do not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

However, I would like to inform you that:

- the financial impact forecast has been prepared in accordance with the law and by the person authorized to do so and has always been and is available to you as part of the planning documentation;
- the regulations do not specify in which place the project of the plan should be posted, they do not order to post it in the municipality office. According to art. 12 par. 3 of SPDA, the authority preparing the local spatial plan for the 400-kV line is the Voivode, and therefore the draft SRPV has been publicly available at the Podlasie Voivodship Office. At the same time, it should be noted that the Voivode placed this project on the websites of PUW, which he was not obliged to do, because the SPDA regulations introduce the requirement to publish the project on the website only in relation to the study - art. 11 points 10 of SPDA. Therefore, there is no doubt that the residents had the opportunity to get acquainted with the SRPV project.
- all documents addressed to the Voivode are analysed and considered very reliably. All your comments and questions have been considered carefully and with reference to the law;
- the environmental impact forecast has been prepared in accordance with the law and by the person authorized to do so. It does not matter which province this person comes from;
- request to repeal of the SRPV of October 15, 2013 was already dealt with by the VAC in Bialystok, which court in its judgment of 6 March 2014. ref. file: II SA/Bk 1162/13 did not share the applicants' opinion, that is, the Municipal Council and Mayor of the Municipality, and confirmed the correctness of its issuance by the voivode. In your demand, you do not specify what deficiencies, inaccuracies and illogical expressions are so difficult to relate to;
- the threat to the Municipality indicated by you in the form of unavoidable lack of financial liquidity lies beyond the competence of the Voivode.

11. Regarding the request for public consultations in each locality affected by the plan before starting the SRPV, I am kindly explaining that this request does not apply to the SRPV project and therefore does not fulfil the condition set out in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the Voivode during drafting of local spatial plan for the 400-kV line in the Municipality of Bakalarzewo met the requests of the residents of the Municipality by repeatedly delegating his representatives for meetings with residents regarding the 400-kV line in the municipality. At the request of the Voivode, to answer all questions asked by the inhabitants as fully and as reliably as possible, representatives of RDEP and the investor participated in these meetings. Such meetings, even though they did not result from the SPDA regulations, took place in the Public Library of Bakalarzewo Municipality, Podlasie Agriculture Chamber (PIR) in Porosły, in the Suwałki Powiat Labour Office (PUR), in the Podlasie Voivodship Office (PUW) in Białystok, one of the Voivode's written proposals was left unanswered. The regulations do not oblige to separate, additional consultations in the localities, which lie in the area for which the local spatial plan is prepared. It follows from the above that, despite the lack of such an obligation resulting from the SPDA, based on which the Voivode conducts the planning procedure, consultations have repeatedly taken place.

12. Regarding the demand for choosing the variant of 400 kV overhead power line route Elk - Polish border, which does not violate Natura 2000 protected areas, I kindly explain that this request does not apply to the SRPV project and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I am kindly explaining that the Voivode, acting on the basis of art. 12 par. 3 of SPDA before the commencement of the planning procedure for the preparation of local spatial plan for the 400 kV line in the Municipality of Bakalarzewo carried out a number of analysis of documents concerning environmental issues, which clearly showed that during their preparation the local community was not overlooked and various options of the route of the subject line through the area of Bakalarzewo municipality were consulted many times. At the same time, from the decision of the competent authority for environmental protection, that is RDEP in Białystok, it follows that 6 variants of this route were analysed. While analysing these variants, RDEP confirmed that the variant indicated by the investor meets all requirements resulting from legal regulations. The consequence of this is the RDEP's confirmation in its decision that this option is the least harmful to the environment, and therefore also to humans. In addition, I would like to explain that the representatives of the competent authority for environmental protection, which is RDEP, many times at meetings at PIP in Suwałki, at the PUW, or during public discussions stressed that it is impossible to bypass the Natura 2000 site and that the section of Natura 2000 site designed to be a route of the 400 kV line is the narrowest one. The above was confirmed by the environmental decision issued by RDEP for the entire investment, that is for the line 2x400 kV Elk - State Border. Bearing in mind the above and acting in the mode of art. 12 par. 3 of SPDA the Voivode draws up local spatial plan for the route consistent with the course least harmful to the environment, which was confirmed in the a/m decisions of RDEP and GDEP.

13. Regarding the request for (i) to indicate in the plan the exact course of the 400 kV overhead power line along with the geodetic number of the property, moreover (ii) precise indication of each access road for the implementation of the investment and, most importantly (iii) indicate which field shelterbelts and forest areas will be cut out for the investment needs, I kindly explain that this request does not apply to the SRPV project, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I am kindly explaining that the Voivode, acting based on art. 12 par. 3 of SPDA obtained maps from relevant geodesic centres in accordance with art. 16 par. 1 of SPDA. These maps

were used to prepare the draft SRPV. These are copies of the main maps, they are properly sealed by the Powiat Centre for Geodetic and Cartographic Documentation in Suwałki and Olecko, and they have been prepared on the appropriate scale, that is 1: 2000. Their readability allows to read parcel numbers. Marks contained on these maps have been confirmed by the a/m geodesy and cartographic centres. (i) In local spatial plan, power lines are determined by showing the axis of this line and by showing its technological strip. This is exactly how it was done in the case of SRPV for the 400-kV line in the Bakalarzewo municipality. The line axis and its technological strip, 2x35m wide, on both sides of the line axis are shown correctly. (ii) Indication of temporary access roads necessary to carry out the investment is not possible at the stage of drawing up a local spatial plan. Such roads will be indicated at the stage when the investor obtains a building permit decision. (iii) During the planning procedure, pursuant to art. 7 par. 2 point 5 and par. 3 and based on art. 7 par. 2 point 1 and par. 3 of the Act of February 3, 1995 on the protection of agricultural and forest land (consolidated text OJ of 2013, item 1205, as amended) the Voivode asked the competent authorities for permission to use agricultural land for non-agricultural purposes and forest land for non-forest purposes. All required by law permissions have been obtained. At the stage of local spatial plan preparation, it is not possible to indicate specific trees that will be cut. It should be emphasized that RDEP obliged the investor to run a line in over-forestry technology to reduce the number of trees to be cut.

14. Regarding the request for (i) transfer to the municipality of funds for compensation and safeguarding personal property of persons responsible for the situation, to cover these compensations and (ii) transfer to the municipality of funds for land reclamation and repair of roads after completion of investment and (iii) answers to whether the municipality received subsidies at the turn of 2009-2011, in what amount and from whom I am kindly explaining that this request does not apply to the draft SRPV, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I am kindly explaining that the Voivode, acting pursuant to art. 12 par. 3 of SPDA, will draw up local spatial plan due to the omission of the municipality, which was not to enact a change in the study, which would define the area of the public purpose investment deployment of national importance which undoubtedly is the line 2x400 kV Ełk - border of the Republic of Poland, the part of which constitutes a section crossing the municipality of Bakalarzewo. (i) According to art. 12 par. 4 of SPDA costs of drawing up a plan prepared in the mode of art. 12 par. 3 of SPDA shall be borne entirely by the municipality in whose area the replacement order applies. Activities involving the securing of personal property for this purpose are beyond the competence of the Voivode. (ii) Repair of the damages caused during the implementation of the investment lies with the contractor investor. (iii) Issues regarding the influence of subsidies to the commune are not within the jurisdiction of the Voivode. This information should be addressed to the Mayor of the Municipality.

15. Regarding the remark concerning the establishment of public consultations on the plan at a time when it was impossible to read issued documents due to their lack in the Municipality Office, I kindly explain that this remark does not apply to the draft SRPV, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the regulations do not specify in which place the project of the plan should be posted, they do not order to post it in the municipality office. According to art. 12 par. 3 of SPDA, the authority preparing the local spatial plan for the 400-kV line is the Voivode, and therefore the draft SRPV has been publicly available at the Podlasie Voivodship Office. At the same time, it should be noted that the Voivode placed this project on the websites of PUW, which he was not obliged to do, because the SPDA regulations introduce the requirement to publish the project on the website only in relation to the study - art. 11 points 10 of SPDA. Therefore, there is no doubt that the residents had the opportunity to get acquainted with the SRPV project. Due to the fulfilment of all statutory requirements related to the preparation of local spatial plan, there is no need to repeat the same activities. It should be remembered that the Voivode preparing the local spatial plan for the 400

kV line in the area of the Bakalarzewo municipality not only fulfilled all obligations resulting from the law, so he worked out the local spatial plan in a reliable way, conducted a public discussion, made it possible to submit motions and comments to the plan, but also ensured that documents constituting planning documentation and annexes to the SRPV were duly prepared. It should be remembered that the Voivode, in accordance with art. 12 par. 3 of SPDA, called on the municipal council to pass a change in the study consisting in determining the area of distribution of the public-purpose investment which is the 400-kV line Elk - the State Border. At that time, the municipality could pass both the course of the line and the type (cable – overhead) line in a manner that suited all residents of the commune. The voivode did not order and did not impose any solutions. It should also be remembered that the Voivode during the procedure related to the preparation of the plan for the 400-kV line met the requests of the residents of the Municipality by repeatedly delegating his representatives for meetings with residents regarding the 400-kV line in the municipality. At the request of the Voivode, to answer all questions asked by the inhabitants as fully and as reliably as possible, representatives of RDEP and the investor participated in these meetings. Such meetings, even though they did not result from the SPDA regulations, took place in the Public Library of Bakalarzewo Municipality, Podlasie Agriculture Chamber (PIR) in Porosły, in the Suwałki Powiat Labour Office (PUR), in the Podlasie Voivodship Office (PUW) in Białystok, one of the Voivode's written proposals was left unanswered.

16. Regarding the request for answers, whether the Voivode is acting in accordance with the law and is not in a conflict of interest if he is the authority examining the residents' appeals from seizing of their properties in order to build this investment and at the same time is the body deciding on investment location, I kindly explain that this request does not concern the draft SRPV, and therefore does not meet the condition specified in art. 17 point 11 of SPDA.

In connection with the above, pursuant to art. 17 point 12 of SPDA, it was decided not to consider this remark.

Nevertheless, I kindly inform you that the Voivode in both cases acts in accordance with the law, on the one hand, as a result of art. 12 par. 3 of SPDA, implementing his obligation to prepare local spatial plan for the area affected by the omission of the municipality in the matter of defining in SCDS of the location of municipality public investment areas, and, on the other hand, as a higher-level authority, pursuant to Art. 124 par. 1 of the Act of August 21, 1997 on real estate management (OJ 2010.102.651, as amended) considers residents' appeals against administrative decisions regarding the restriction of the use of real estate and based on art. 124 par. 1a of the a/m act decides about the permission to take over without delay the property with the immediate enforceability. Such actions of the Voivode are lawful. The legislator did not foresee other options for the implementation of the a/m statutory provisions.