

Comments by:

Residents of the Bakałarzewo municipality and owners of land plots located in the Bakałarzewo municipality

**COMMENTS TO THE PROJECT
OF LOCAL SPATIAL DEVELOPMENT PLAN**

Based on Article 18 paragraph 1 of the Act of 27 March 2003 on Spatial Planning and Development (Dz.U.03.80.717 with later amendments) and Article 39 paragraph 1 point 3 of the Act on the provision of information on the environment and its protection, public participation in environmental protection in connection with the presentation on 22 May 2014 for public inspection of the draft of Substitute Order of the Voivode of Podlasie on the local spatial development plan in the area enabling the implementation of a double-track high-voltage 400 kV overhead power line Ełk - Polish border in the area of Bakałarzewo commune, residents bring their attention to the Project on their own behalf, because they question the findings there as incompatible with applicable law and undermining the legal interests and rights of the parties and accuse that:

1. in § 1 point 1 of Supplementary Regulation of the Voivode of Podlasie it is incorrectly stated that in the study of conditions and directions of spatial development of the Bakałarzewo commune approved by Resolution No. III / 25/98 of the Community Council of Bakałarzewo of 30 December 1998 with amendments introduced by Resolution No. XIX / 96/08 of 22 July 2008, the public purpose investment of transregional importance, which is the double-track high-voltage 400 kV overhead power line - state border, is not taken into account.
2. in § 1 point 2 the Council of the Commune of Bakałarzewo with Resolution No. XXIX / 188/13 of 23 July 2013 refrained from adopting an amendment to the study of conditions and directions of spatial development of the municipality of Bakałarzewo at the request of the Provincial Governor. The councillors who had their own legal interest in the adoption of the resolution participated in the vote.
3. lack of public consultations in the selection of a variant to be implemented and exclusion of the local community from the possibility of correction of the route within the registration plots in a variant chosen by the Contractor and the Governor.
4. concealment of the intention of the public authorities and the Investor regarding the areas covered by the plan.
5. lack of Voivode's notification of neighbouring property owners from both the Bakałarzewo commune and the municipalities bordering the municipality of Bakałarzewo, where the investment would have a significant impact, about the investment and the initiation of the proceedings.
6. organising a discussing of the solutions in local spatial development plan adopted in the project in such a way that prevented the gathering of information about the plan, which violates the significant degree of civil rights, as well as disregarding the specificity of work in agriculture during hay making.
7. lack of exposing of the plan at the seat of the municipality of Bakałarzewo, which made the project impossible for everyone interested and parties to the proceedings (especially older people) to become familiar with the project.

8. violation of substantive law, i.e. art. 6, 15 paragraph 1 and 28 paragraph 1 of the Spatial Planning and Development Act through their misinterpretation and misapplication. The challenged project of the local spatial development plan is not in accordance with the provisions of the applicable study and, in its adoption, the administrative authority has exceeded the limits of planning power. It should be noted that the municipality at study allocated areas for the construction of a double-circuit 400 kV overhead power line in another variant whereas the the land chosen by the Voivode was intended for housing, residential and tourist and recreation services.

The current provisions of the draft Plan are in contradiction with the requirements of the aforementioned Act and the applicable Study of Conditions and Directions of Spatial Development of the Municipality of Bakalarzewo, therefore we demand:

1. Repeal of the Substitute Order of the Voivode of Podlasie of October 15, 2013 on joining the drawing up of the Local Development Plan in the area enabling the implementation of the double-track high-voltage 400 kV overhead power line and replacing it with a cable line record.
2. Preparation of a draft plan for the 2 x 400kV power cable line for the section of the route in the municipality of Bakalarzewo.

Due to the lack of possibility to familiarize residents, including the applicants, with the Spatial Development Plan of the Bakalarzewo Municipality for the 400 kV overhead power line Elk - the Polish border together with the Environmental Impact Assessment to the Plan's project, we urgently request:

- 1. Presentation of the prognosis of the financial consequences of the adoption of the local plan taking into account art. 36 (in accordance with Article 17, item 5 of the Act of 27 March 2003 on Spatial Planning and Development (Dz.U.03.80.717, as amended).**
2. re-publishing the draft plan and all its attachments in the Office of the Community of Bakalarzewo, and not, as before, at the Provincial Office in Białystok,
3. re-reading and reconsideration of the comments and attachments to the remarks by the Voivode before the issuing of the next Substitute Order.
4. commissioning experts from our province to re-plan the impact on the environment with the inclusion of impact on human health, providing safe distances from housing and landscape and cultural development for the areas of the proposed investment and neighbouring areas,
5. rejecting the draft plan in its entirety, due to its deficiencies, inaccuracies and illogical expressions and the threat to the Commune - unavoidable lack of financial liquidity.

In connection with the omission of entire communities in the decision-making process when drawing up the draft plan, we request from the Governor, the highest representative of public authority in the voivodship, before enacting the Substitute Order:

1. Social consultations in each locality affected by the plan, namely Nieszki, Konopki, Gębalówka, Karasiewo, Sadłowna, Nowa Wieś, Bakalarzewo, Stary Skazdub, Nowy Skazdub, Zdręby, Słupie, Maryna, Sokołowo, Stara Chmielówka.
2. Choosing the version of transition of 400 kV overhead power line Elk - Polish border, which does not violate Natura 2000 protected areas.
3. Indications in the Plan of the exact course of 400 kV overhead power line Elk - border of the Republic of Poland along with the geodetic number of the real estate, moreover an

exact indication of each access road for the implementation of the investment, and above all, indicate which field trees and bushes and forest areas will be cut out for the needs of the investment.

4. Transfer to the commune of funds for damages and securing of personal property of decision-makers, to cover the costs of these damages.

5. Transfer of funds to the commune for land reclamation and repair of roads after completion of the investment.

6. A written response if the municipality received subsidies at the turn of 2009-2011, and if so, from whom and in what amount.

7. A provision of written answer, why the public consultation to the Plan was established on the date when it was impossible to read the documents outlined due to their lack in the Commune Office,

8. Written reply whether the Voivode who has taken over the competence of the commune (knowing that the local community does not accept the course of this line, in this variant, regarding works on the Local Development Plan for the location of public purpose investment) acts in accordance with the law and does not conflict in interests if it is at the same time the authority examining the residents' appeals from the administrative classes of real estate for the need to build this investment and the authority deciding on its location.

JUSTIFICATION

According to the content of the above the provision, remarks to the draft local plan may be made by anyone who questions the arrangements adopted in the draft plan presented for public inspection. In particular, considerations regarding those Project arrangements that violate the rights of the Party or its legal interest deserve consideration, as in the event of their disregarding, the order accepting the Project will be subject to appeal under Art. 101 par. 1 of the Act on municipal self-government of March 8, 1990. The applicants - those submitting the present remarks are owners of plots located in the municipality of Bakalarzewo through which, pursuant to § 1 para. 6 of the project of Substitute Order of the Voivode of Podlasie regarding the local spatial development plan in the area enabling the implementation of a double-track 400 kV route Elk - Polish border in the Bakalarzewo commune, the investment is to be carried out. The draft Order in this form directly violates our ownership rights, by limiting the current method of use, and in some cases its change, and also reduces the value of these properties.

The draft Order violates the residents' right to health protection (Article 68 point 1 of the Constitution of the Republic of Poland), since the planned investment, located approx. 70 meters from homes and buildings, will emit significant and constant noise, vibrations, low frequency sounds and infrasound and harmful radiation. This location violates ecological security for existing and future residents of these areas, and it is the responsibility of public authorities to protect the environment and support citizens' activities for the protection and improvement of the environment (Article 74 of the Constitution of the Republic of Poland).

It should be emphasized that the standard on the basis of which the draft plan was drawn up does not specify the time of staying in the electromagnetic field emitted by the line, and the majority of residents will live and work in the range of 2 x 400kV lines.

The judicial and administrative jurisdiction emphasizes that the spatial development plan can not constitute an instrument limiting the constitutionally protected freedom of economic activities and imposing restrictions of a subjective nature in the scope of competitive

activities of business entities (judgement of the Supreme Administrative Court of 31 March 2009, II OSK 430/08) . The spatial development plan is an act of local law, so it should meet the requirements specified in the substantive law. According to the position of the Constitutional Tribunal, the limitation introduced with reference to an important public interest should be so substantively justified that in conflict with the principle of freedom of economic activity, the axiological bill prevails in favour of a restriction (judgement of the Constitutional Tribunal of 20.8.1992, K 4/92, OTK No. 2/1992, item 22).

Violation of the legal interest referred to in art. 101 of the Act on communal self-government, it is a violation of subjectively perceived interest of an entity, which objectively consists in non-compliance by the body with generally binding legal norms (judgement of the Supreme Administrative Court of 9.6.1995, IV SA 346/93). Many of the residents run agri-tourism and farms located on neighbouring properties and directly adjacent to the covered by the contested Local Development Plan.

An important public interest can not be a justification for limiting the right to property rights of citizens and, above all, for exposing their health. The course of the investment should ensure the balance of both the investor's entrepreneur and the activity of the applicants and should assume such a course of the line that will have a negative impact on the property rights of the residents in the smallest possible degree. What is more, the original version of the investment project assumed that it will be located further away from the development with the route through the municipality on the section of 8 kilometres, not 19 kilometres, as it is in the currently submitted project.

It should be pointed out that the procedure of adopting the plan requires preparation of a local plan design taking into account the findings of the study of the spatial development conditions and directions of the commune, which specifies the spatial policy of the commune, including local spatial development rules. The study findings are binding for the commune authorities when drawing up other local plans.

In addition to the above, it should be emphasized that the project of the local spatial development plan together with the project of the Substitute Order of Provincial Governor of Podlaskie regarding the local spatial development plan for the 400 kV overhead 400 kV electro-energetic power line Ełk - Polish border in the Bakalarzewo municipality has no legal authority because in the current Study, adopted Resolution No. III / 25/98 of the Municipality of Bakalarzewo of 20 December 1998, as amended by Resolution No. XIX / 96/08 of 22 July 2008, the electricity line 2 x 400kV is included.

The design of the Local Spatial Development Plan in the municipality of Bakalarzewo for the double-track overhead power line 400 kV Ełk - the border of the Republic of Poland, in its current form does not meet the requirements that are mandatory as defined in art. 15 of the Act of 27 March 2003 on spatial planning and development (OJ 2003.Nr 80, item 717), which is a violation of the principles of preparing the plan and may result in the consequences provided for in Article. 28 paragraph 1 of the above-mentioned act, it is the invalidity of the resolution in whole or in part and art. 36 and 37 of the a / m act. Therefore, I pay attention in this respect and I undertake to remove violations of the principles of preparing the Spatial Development Plan of the Municipality of Bakalarzewo.

Planning a line in the vicinity of residential houses, without thoroughly analysing the mileage, without performing appropriate measurements of the existing electromagnetic field and noise, in connection with existing lines, creates the danger of exceeding the

permissible standards for electromagnetic fields and noise after construction and operation of the above line, and what hence it will create a danger for human life and health. To date, no other line variants have been presented, and social consultations should be launched from this. When choosing the variant, the opinions of the local community, that is owners of plots of land whose properties will serve the investor to achieve their goal, were not taken into consideration. The appraisal reports prepared by experts funded by ELTEL are unreliable, do not materialize, only the loss on the value of the land in the technology belt is valued and by signing the contract the owners of the property would like to waive the right to claim compensation under art. 36 of the Act on spatial planning and development regarding losses on the value of the entire property, otherwise the line is not created in the "neighbourhood" only on private properties and therefore it is necessary to provide restrictions and prohibitions on the technological strip and health and safety regulations regarding the 2x400 kV line.

The basis for the development of agriculture is modernization, construction of new livestock buildings, purchase of land for the enlargement of farms. The planned investment makes it impossible to extend the farm and exploit them. Through the provision in the Plan regarding the 2x400 kV line, households lose their value completely and no bank will grant a loan whose collateral, i.e. a mortgage, would be burdened with the easement of transmission for such a line. In addition, both municipal roads, district roads and dirt roads will be destroyed during construction. The analysis of the influence of the electromagnetic field on livestock and the quality of milk and meat produced from animals in its continuous impact has not been performed. The draft plan does not plan to change the purpose of the land for which the investment is to take place.

The 2x400 kV line is supposed to hang over tourist routes: bicycle, pedestrian, water, footpath to the village of Borawskie, above the route of the most common sleighs of children and youth from Bakalarzewo and their school trips. The Plan does not specify how the risk of accidental exposure of persons to PEM and electric arc will be marked and what will be the methods of protection against this and threats. It is not specified at what heights it is planned to hang the line over each road and the maximum height of vehicles from the ground surface with or without loading, which will be able to move under this line. The construction of the above-mentioned line in the commune will deprive the investor of 133 ha, and according to the trend in developed countries and with more frequent reports of its harmful activity will result in lack of investment and creation of new buildings within a radius of 500 m from the line, which gives an area of 1330 ha. There are no records of how much agricultural land and what classes will be in the technological line of the line.

In all forecasts and the report on the environmental impact and in the assessment of the environmental impact of the line at noise, the acoustic background, cumulative effects of EMF were not taken into account. It is necessary to provide in the entire course of the line the values of existing noise and electromagnetic field in buildings located in the zone of influence of high-voltage lines and other.

Despite the finding that the investment is of a large range and has a huge impact on **human health** through noise, and above all by the electromagnetic field, there is no public information, debates and consultations in neighbouring towns and in the areas covered by the project. According to the current state of knowledge, it can be concluded that the health risk resulting from the exposure of people to artificial electromagnetic fields is enormous. This is evidenced by the records in all the studies cited in this forecast. If there is no health risk, why are there a number of provisions limiting the exposure of the general public to EMF? The statement that the line will not hurt because it is properly located is

absurd, because its location is the most objectionable. Why planners did not adopt the precautionary principle promoted by the WHO when designing a new line and found no place for its location at a distance of 500 - 600m from buildings as new lines are built in Western Europe or do not offer a cable line without an electric field, and the magnetic field is 6 times smaller (Source: An overview by Dr M. Szuba, "Consequences of changes in environmental protection regulations against the impact of electromagnetic fields at 50 Hz.") In this work, a scientist, consultant for the construction of the highest voltage lines, operating at the request of the design company ELTEL NETWORKS SA, states that there is an increased risk of leukaemia in children living closer than 600m from the line. In Poland, there are many studies on the short-term exposure of PEM to humans. Studies of many research institutes indicate harmful even short-term. However, there are no studies on the permanent impact of the electromagnetic field on human health and the environment. Therefore, it is reasonable to conduct such tests by a competent person who will conduct a professional review of medical literature, not just selective studies of "supposedly specialists" employed for the needs of building a line of the highest tensions against logic and common sense over people's heads. away from buildings than to move buildings away from the newly created line. If the line 2x400 kV is not indifferent to the environment, let us give medical studies on the beneficial health effects of EMF on people and the environment.

The relevant calculations on the effects of cumulative 110kV and 2x400kV lines were not presented in the environmental impact assessment. In several places these lines will cross. The value of EMF for this investment should already be included in the content of the Study, which, however, does not exist. Therefore, it has not been checked whether there will be any exceeding of the standard, because it will be necessary to move these lines away from each other, instead of exposing the investor to the costs of building the line in the wrong location and additionally expose the residents to the risk of losing health. The assumptions are made without specifying any specific calculations and surveys that the noise or field levels will not be exceeded, especially as the investor anticipates the reconstruction of existing high-voltage lines at points of intersection with the 2x400kV line.

As to the economic context for residents, in many cases it has been confirmed:

- decrease in the value of properties adjacent to these areas,
- deterioration of landscape values,
- stopping tourism development,
- impoverishment of the local population,
- reduction of jobs,
- reduction of income from tourism for local residents,

In the context of landscape values, the places of the planned investment and neighbouring lands:

- completing the investment will destroy the landscape values of the commune,
- destruction of bird habitats and their breeding sites and change of ecological corridors, through disruption of the ecosystem,
- destruction of animal habitats, change of their living places, by disrupting the ecosystem,
- destruction of valuable trees and shrubs, while carrying out investments,
- devastation of the Protected Landscape Area Dolina Rospuda and the conservation area of Natura 2000 habitats, Dolina Górnej Rospuda, through the location of a 400 kV double-track overhead power line Elk - the Polish border in this naturally valuable area.

In the case of passing the Plan in the shape that is presented for inspection, we inform you that immediately the local population will file compensation claims against the Municipality of Bakalarzewo for payment of:

- for the impairment of our property,
- for lost profits,
- for lost income from tourism,
- due to blocking development opportunities,
- with demands for real estate to be bought back by the Municipality, due to the loss of their current function,
- with demands to buy real estate due to a threat to life caused by too close location of the double-track overhead power line 400 kV Elk - the border of the Republic of Poland from residential buildings.

As of today, the compensation that the municipality will be forced to pay on the basis of art. 36 and 37 of the Spatial Development Act will lead to bankruptcy of this commune.

The obligation to prepare an environmental impact assessment for a zoning plan project results from art. 46 section 1 of the Act on sharing information about the environment and its protection, public participation in environmental protection and environmental impact assessments of October 3, 2008 (Journal of Laws 2008, No. 199, item 1227). The content of the forecast is specified in art. 51 section 2 of the above-mentioned act.

The Forecast prepared does not meet the requirements contained in art. 51 par. 2, and in particular does not meet the requirements of Article 51 paragraph 2. point 2 a, point 2b, c. d and e and point 3. it is:

does not specify, analyse or evaluate:

- ✧ the existing state of the environment in the areas covered by the expected significant impact **as required by art. 51 (2) point 2b**
- ✧ existing environmental problems relevant to the proposed document **as required by art. 51 sec 2 pk.2c**
- ✧ environmental protection objectives established at the international, Community and national level, relevant from the point of view of the draft document, and the ways in which these goals and other environmental problems were taken into consideration when preparing the document **as required by art. 51 (2) pk.2d**
- ✧ anticipated significant impacts, including direct, indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary, and positive and negative impacts on the Natura 2000 site objectives and integrity, as well as the environment, in particular: biodiversity, people, animals, plants, water, air, land surface, landscape, climate, natural resources, monuments, tangible goods, taking into account the relationship between these elements of the environment and between environmental impacts **as required by art. 51 par.2 pk .2e**
- ✧ **it also fails** to present solutions aimed at preventing, limiting or compensating nature of negative environmental impacts that may result from the implementation of the proposed document, in particular for the purposes and subject of protection of the Natura 2000 site and integrity of this area **in accordance with the requirements of art. .3.**
- ✧ the forecast attached to the draft plan, although it contains information about the potential hazard as a result of a line breakdown, its breakage, discharges of electricity, but does not indicate a safe area, free from threats to public safety.

In spite of the fact that the titles of the individual chapters of the Forecast are the titles prescribed in art. 51 par.2, their content does not take into account the state of affairs after

the location of the line. There are no surveys of the natural resources of the commune, migration routes, animal habitats and feeding grounds. Neither the plan nor the Forecast content contained any information that could in any way fulfil the objectives of the flying fauna assessment procedure. Neither on the basis of the preliminary information collected nor based on pre-investment monitoring, the risk of investment impact on bird populations, in particular on key bird species, i.e. those that meet one of the following criteria has been assessed:

- ✧ species indicated in Article 4 (1) of the Birds Directive and listed in Annex 1 to the Birds Directive
- ✧ species listed in the Polish Red Book of Animals Species of European Conservation Concern species in category 1-3 (BirdLife International 2004)
- ✧ species covered by zone protection of occurrences
- ✧ species with breeding distribution <10% (evaluated in a grid of 10x10 km squares, Sikora and others 2007)
- ✧ species with a population size of <1,000 breeding pairs.

The provisions of the European Parliament's resolution of 2 April 2009 on concerns about the effects of electromagnetic fields on health (2008/2211 (INI)) (OJ EU C 137 E / 08 of 27 May 2010) Resolution of the Commission for Bioelectromagnetic Problems of the M. Skłodowska-Curie Polish Society for Radiation Research regarding the permissible population exposure to electromagnetic fields, permissible environmental impacts when it comes to noise level and electromagnetic field parameters, are defined respectively by the Regulation of the Minister of Environment of 14 June 2007 on permissible noise levels in the environment (Dz. U. No. 120, item 826) and the ordinance of the Minister of the Environment of October 30, 2003 regarding the permissible levels of electromagnetic fields in the environment and methods of checking compliance with these levels (Journal of Laws No. 192, item 1883). Considering Poland's membership in the European Union, in the event of non-compliance of national laws, European provisions that are more favourable to the citizen should be taken into account, which the Treaty of Accession obliges us to do. Therefore, we charge a violation of art. 91 par. 3 of the Constitution of the Republic of Poland constituting conflict-of-law rules in the event of non-compliance with national law by its non-application. In order to avoid incompatibility of national law with Community law, public administration bodies are obliged to apply the law and pro-Community interpretation of national law (see ECJ judgement of 22 June 1989. Case 103/88 Fratelli Costanzo SpA against the Municipality of Milan LexPolonica No. 369756, or judgement of on June 28, 2001. Case C-118/00 Gervais Larsy v Institut national d'assurances sociales pour travailleurs indépendants (INASTI) Report of Judgements 2001 p. I-05063).

Resolutions of administrative authorities, in which they did not consider the possibility of infringing Community law as a result of the "mechanical" application of Polish law, violate the law, as a result of improper application of the provisions, without taking into account the content of EU regulations, as well as incorrect development of the justification of the decision.

In the Treaty of Accession (Article 2 of Part 1), the Republic of Poland undertook to take over all Community law and *acquis communautaire* from the date of accession to the Community. Thus, with the moment of accession, she was bound by the provisions of the founding treaties and acts adopted by the institutions of the Communities and the European Central Bank before the date of accession. The fact that Community law is part of the Polish legal order is art. 87, art. 90 sec. 1 and art. 91 par. 3 of the Constitution of the Republic of Poland. The catalog of sources of law listed in art. 87 of the Constitution of the Republic of Poland covers the entire system of applicable law, regardless of the sources of its creation. The assumption of the structure of the system of sources of law, shaped by

the Polish sovereign in Chapter III of the Constitution, is the priority over the application of the regulations of the category of international agreements indicated here and the rights of international organizations referred to in art. 90 sec. 3 of the Constitution before acts, unless the provisions of these acts can be (due to their content) used in accordance with the provisions of international agreements. The conflict rules of national law and community law are contained in art. 91 par. 1, art. 91 par. 2 and art. 90 sec. 3 of the Constitution of the Republic of Poland.

The Treaty establishing the European Community in art. 10 imposes on Member States - including judicial authorities in them - the obligation to take all necessary measures to ensure compliance with Treaty obligations and provisions of Community secondary law with direct effect.

Then it should be pointed out that in the area of Bakalarzewo commune there are many species of birds that meet the above criteria. The assessment should take into account cumulative impacts. In the case of large breeding birds (birds of prey, black stork) and concentrations of foraging migratory birds (geese, cranes), all projects within a radius of 5 km and 20 km should be taken into account in cumulative assessments.

The gathering of preliminary information allows selecting one of the pre-realization monitoring paths, the duration of which is determined for at least one year, in order to obtain quantitative characteristics of land use by birds in all periods of their annual life cycle. What the authors tried to demonstrate in the forecast, but to no avail. The lack of basic information in the contents of the spatial development plan of the Commune and Forecasts of the environmental impact of the spatial development plan of the Municipality of Bakalarzewo makes it impossible to make a reliable assessment of the planned environmental impact of the planned project.

The forecast was prepared in an inadequate, unreliable, non-exhaustive way of the impact of such lines on the environment, and the person who prepared it with particular carelessness approached the protection of nature in the commune as well as the health and life of the residents. The relevant calculations on the effects of cumulative 110kV and 2x400kV lines were not presented in the environmental impact assessment. In several places these lines will cross. The value of EMF for this investment should already be included in the content of the Study, which, however, does not exist. Therefore, it has not been checked whether there will be any exceeding of the standard, because it will be necessary to move these lines away from each other, instead of exposing the investor to the costs of building the line in the wrong location and additionally expose the residents to the risk of losing health. The assumptions are made without specifying any specific calculations and surveys that the noise or field levels will not be exceeded, especially as the investor anticipates the reconstruction of existing high-voltage lines at points of intersection with the 2x400kV line. Due to the nature of the project, sound emissions, the impact of electromagnetic fields, as well as the impact on flying fauna play a significant role. The role of the so-called deterring structures, only the view was expressed that the planned section will not pose a significant threat to fauna.

With regard to noise, it is not reported to what extent the noise emitted by the line in unfavourable weather conditions will increase. The owner of the property should have all information on the impacts of this line. Failure to provide security rules related to such lines and referring to other documents prepared by the investor is unacceptable. Consultation meetings should supplement the knowledge of the local community about the change in the Plan and its impact on the environment, and not show the lack of professionalism of the designers. The number of days per year will not be exceeded the noise standard. There is no measurement of the existing background. It has not been addressed whether

the existing background will not be a problem after the changes in the Plan. Will the communication noise and the barking of dogs and birdsong disappear? Conditions and standards stipulated by the Regulation of the Minister of the Environment of 1 October 2012 on permissible noise levels in the environment are not included. The person preparing the forecast did not investigate whether without a new source of noise that the 2x400 kV line will be in the areas where it will be run, the standards will be met, and if such a line will be built, these standards will not be exceeded.

In the effect on vegetation and animals, conflicting statements are used. Devastation of nesting habitats of birds, small fauna of arable fields will once have a reversible character, then direct or irreversible. It is not indicated where in the commune there will be used forest pylons. The impact of investments on stork feeding grounds has not been examined on wetlands located within the Bakalarzewo colony 5, through which the line is said to run. It was not indicated on the basis of which tests it was found that EMF does not affect livestock. The only study by Mrs. Małgorzata Rochalska from SGGW (referred to by PSE) does not address this topic. During the correspondence with the above, the scientist reported that in the world there were no studies on the impact of artificial sources of electromagnetic field on the performance of dairy cows, on the structure of protein and fat, on the number of somatic cells in milk, on the reproduction of the flock. Ms. Rochalska only stated that there is a Polish study on the health of cattle staying in an environment in which there is a different natural magnetic field. These studies show that even a small increase in the field value adversely affects the health of farmed animals.

An alternative variant is not indicated. There were no arguments that would support the choice of such a long variant. The Natura 2000 site primarily intersects the investment of xerothermic grasslands, but it should be pointed out that nowhere is it indicated whether this will be a beneficial solution for nature protection. It is not indicated that the foundation of the pole near the habitats or on them will completely destroy this habitat. The impact of investments on bats whose habitats are located under the line is also not taken into account. In the impact of the line on biodiversity, it is reported that the impact will be short-lived, i.e. assuming only during construction. The environmental impact report states that the top humus layer will be damaged during construction works, and it may take many seasons to rebuild or it can not be rebuilt. In addition, owners of plots due to the welfare of farm animals will not graze them under the line, which will be deadly for thermophilic and xerothermic grasslands. Atmospheric effects of temperature excretion + 80 ° C from each duct on air temperature around the line and on the environment as well as the nuisance of the line related to its lighting from dusk to dawn were not included due to regulations regarding the marking of air obstacles and how it will be it affect people and the environment.

In the 70 meters technological belt, the intensity of the electric and magnetic field may be exceeded in places accessible to people. In connection with the protection of health and life of the population in the technological belt, the Area of Restricted Use should be determined. It should be emphasized that the investor, when building his / her workplace, often obtains the rights to the real estate, not under the contract, and as a result of administrative decisions. In addition, the technological strip should be appropriately marked so that outsiders can not accidentally find themselves in it. There is no specification on which tests this thesis is based that a distance of 35m from the axis of the line for the foundation of residential buildings will ensure no long-term impact on the people living there. The results of scientific studies of world experts and precautionary recommendations in this field are not taken into account. The norm was not indicated in the case of negative and significantly negative effects.

The impact of electric and magnetic fields on living organisms is conditioned by many factors, and above all [Siemiński 1994]:

- the type of these fields,
- the size of their intensity,
- the nature of variability over time,
- the electrical properties of the body itself.

Because living organisms do not have special EM field receptors (except light and heat) - it is not registered by the senses, for example human. Living organisms behave in the magnetic field as diamagnetic - in contrast to ferromagnetic strongly interacting with the external field - they interact moderately. Some particles have paramagnetic properties, i.e. they align with the direction of the external magnetic field - for example a haemoglobin molecule. Electromagnetic fields cause people to stop processes in the central nervous system, delay conditional reflexes, memory impairment and imbalance [Wiackowski 2000]. Each organism emits ions into the environment and creates a specific field, in addition, there are artificial electrostatic fields induced on the body surface in the form of electric charges (the effect of rubbing different materials against each other, or different types of radiation) that settle on dust particles, water, etc. they create a kind of electrical atmosphere that can affect the course of biological processes through the electrical polarization of body fluids. The impact of ions on the human body (or radiesthesia) can be disadvantageous (positive ionization) and make this organism susceptible to numerous cancers, the circulatory system or the nervous system [Wiackowski 2000].

The influence of the static electric field on the living system can also be associated with a change in the properties of liquid crystals to which many substances in living organisms approximate. In turn, the alternating electric and magnetic fields cause the mutual induction of fields and forming the EM wave, they affect the living organism depending on the length and frequency of the wave. The flow of current through the body causes the release of thermal energy, with the threshold of perceptibility of thermal effects of EM radiation being around $4 \text{ W} / \text{m}^2$. The direct reaction of the body to the supply of EM energy is most likely at the molecular and atomic level, triggering specific biochemical changes [Kozłowski 1991].

In studies on the impact of EM energy on the living body, water and ions constituting biological electrolytes play a special role. The ease of penetration of water and ions through the biological membrane and inter cellular spaces allows for temperature regulation (giving away excess heat from the body by evaporation and sweating).

As the energy absorbed by the living organism increases (eg a rat) its warmth increases. Another result is functional changes (eg auditory sensations), followed by anatomical changes, such as cataracts, male gonads damage, etc. [Mikołajczyk 1984]. The degree of harmfulness of radiation increases with increasing frequency, whereas the thermal effect can occur only in the immediate vicinity of sources of intense radiation, in places of their direct exploitation [Kozłowski 1991; Siemiński 1994].

What also is not included is so called "ion wind" - electric charges on the wires are entirely on their external surface, and they concentrate more around sharp points and edges than on flat surfaces". This means that the electric field produced by charges on an electrically conductive point is much stronger than in the area of the same produced as being on a large spherical smooth conductive coating. This phenomenon causes the repulsion of the "electric wind" ions, which results from the tip, which usually accompanies a hiss because of the change in air pressure at the end. Such a cloud may cause slight irritation and be significantly harmful to living organisms. Please enter this report into the forecast, taking

into account the records of formation and response and the impact of this type of creature on people and animals.

No noise and background noise tests have been performed at different times of the line operation, the background already exists. Therefore, the accumulated noise in various periods will often exceed the norm. The 2x400 kV line is a new additional source of noise. Also the wear of the working elements of the line (insulators and wires) will cause an increased phenomenon of the flyer, and thus increase the noise. In addition, under different weather conditions, the line will have a different acoustic impact on the environment. It is also known that when the line is started, it is not possible to send the full current load. However, the record regarding the possibility of acutely tracking the acoustic impact of the line on the environment, including the following aspects, has been omitted:

- a silence zone of 300m applies to water reservoirs.
- providing, during construction, due to excessive noise and line, the world of fauna and flora will change and at what distance from the construction of the 2x400 kV line will not adversely affect the habitats and species
- how many trees will be removed from the natural landscape as a result of cutting mid-field trees and small forests and the surface in square meters of bushings in the 70m technological belt and a clear answer, whether this will be fully compensated for the poles and wires
- what impact the investment will have on the destruction of natural breeding habitats of small fauna
- due to the fact that the route runs perpendicular to the migration route of birds, on feeding grounds and stork diets, i.e. a large concentration of birds, who will bear criminal responsibility for the death of birds that will break down on wires and poles,
- carrying out an in-depth environmental inventory. In the areas under the line there will be refuges of bats, the few and the most valuable species in the zone of impact of the line.

Impacts on the landscape of the aforementioned line will be permanent irrespective of the time of day, unfavorable, permanent degradation of the landscape (including the Protected Landscape Area "Rospuda Valley") irreversible, completely eliminating all qualities. In the impact on natural resources one should also describe gravel deposits and other that are, but have not been documented so far, and the owners of the plots on which they are located as a result of the construction of the line will not be able to use them.

In influencing the monuments, it should be considered as an object intersecting bunkers from the times of the World War II that attract many tourists. The existence of a metal dome on the bunker next to the line, which is to be lowered by placing the pole below the top, will result in the danger of an electric arc, which may pose a special danger for tourists visiting these fortifications. In the impact on tangible goods, the aspect as built 2x400 kV line will not affect the value of real estate and neighbouring property. The analysis carried out among the local community shows that even the largest plot with such a line has no value, it is possibly sentimental to the owner. This will be the basis for claims under art. 36 of the Act on Spatial Planning and Development to the Commune and the basis for calculating compensation for loss on the value of real estate borne by the investor. When analysing the impact of a line on tangible goods, the percentage loss on values in individual sections of the line should be given. In addition, owners of access roads to the farm have the right to repair the damage they suffer in connection with the repair of this road damaged as a result of the investment and specify the exact time period in which this destruction is to be removed. In addition, in impact on protected areas, it is necessary to describe activities aimed at preventing and limiting harmful impacts on breeding sites of birds, bats' refuges, regions of some species and the manner of avoiding collisions at the

bird-Line level. It is also necessary to prevent counteracting the liquidation and destruction of mid-field and roadside shelters, because property owners do not agree that in their plots an investor for the needs of building a line cut any plant because they perform the following functions in the environment:

- a) protective and ecological with a protective, climatic, water-repellent, biocenotic, sanitary-hygienic and environment-creating function,
- b) economic, i.e. they are the source of raw materials,
- c) socio-cultural, that is, satisfy our need for aesthetics of the surroundings, or rest.

The implementation of the project underground was not sufficiently considered, which in modern conditions should be taken seriously as an alternative solution. Considering that it is a public investment with a long-term use, the underground variant seems to be a rational choice for many reasons. The overhead line is exposed to the harmful effects of weather conditions, and in the case of natural disasters there is a serious risk of its damage. Such a problem is not encountered when the line is located underground, which compensates for possible higher construction costs relative to the traditional overhead line. According to expert opinion and life experience, this variant is more modern and more environmentally friendly and human health friendly. The study prepared by the investor, and therefore inevitably exposed to suspicion of subjectivity and bias, gives unrealistic high costs of building this type of solution, deliberately favouring a cheaper and technologically outdated overhead variant that is not indifferent to the natural environment, landscape values and human health. Valuable natural areas of the Podlasie and Warmish-Masurian Voivodeships deserve protection, therefore, every effort should be made to ensure that their beauties can admire and use them also for future generations.

The impact of investments in housing zones has not been taken into account, and the situation related to the possibility of major industrial failures has not been analysed, and these issues should have been considered. No assessment of the impact of the project on the landscape, material values, future use of the site, limitation of the use of land for future investments has been made and a reliable analysis of the options and the most favourable option for the environment, an alternative not indicated with an indication of its impact on the environment is not indicated. In addition, there is no description of the activities envisaged to prevent and limit negative environmental impacts, and it has been incorrectly established that the investment will not have a negative impact on the areas surrounding the power lines and there will be no exceeding of both noise and electromagnetic fields.

Due to the fact that the presented documents: spatial development plan of the Municipality of Bakalarzewo and Environmental Impact Assessment for the local spatial development plan of the Municipality of Bakalarzewo do not contain the content required by statutory legal acts, we request that the draft plan should be prepared in accordance with the requirements of the Planning and Spatial Development Act as well as forecasts of environmental impact required by the Act on access to information on the environment and its protection, public participation in environmental protection and environmental impact assessments prepared in accordance with the requirements of Article 51. paragraph 2 of the above-mentioned Act, that is to remove the violation of the principles of preparing the plan according to the Act on spatial planning and development.

Attachments:

1. A copy of the graphic appendix to the study of conditions and directions for spatial development of December 30, 1998. confirmed for compliance with the original (in the legend and on several pages there is a 400kV line.)
2. Experience with under-grounding projects in Denmark 14 December 2012. - expert opinion on the construction of 400 kV cable lines.
3. List of persons who make comments on the arrangements adopted in the draft Supplementary Regulation and the prognosis of the impact on the environment.