

Widuchowa, 23.09.2014

DECISION

Pursuant to Article 71 paragraph 2 item 2, Article 75 paragraph 1 item 4 and Article 80 paragraph 1, Article 82 and Article 85 paragraph 1 of the act of 3rd October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws No. 199, item 1227, as amended), and pursuant to § 3 paragraph 1 item 6 letter b of the Regulation of the Council of Ministers of 9th November 2010 on the undertakings which may significantly affect the environment (Journal of Laws No. 213, item 1397), in conjunction with Article 104 of the act of 14th June 1960, the code of administrative procedure (Journal of Laws of 2013, item 267, as amended), having considered the application of Biuro Usług Inwestycyjnych DOMREL Sp. z o.o., ul. Odzieżowa 12c/1, 71-502 Szczecin,

I hereby specify

the environmental conditions for the undertaking consisting in “The construction of a complex of wind power plants Widuchowa with the accompanying infrastructure”, located near the village of Żelechowo, Widuchowa commune, according to modifications indicated in the supplement dated 28.07.2014, concerning the execution of 6 wind power plants (turbines EW1 to EW6), and refraining from the execution of two wind power plants EW7 and EW8, and at the same time I define:

1. The type and place of location of the undertaking:

The planned undertaking consists in the construction of a wind farm (WF) consisting of 6 wind power plants, with the capacity of 2.5 MW each. The undertaking will be executed within Żelechowo survey precinct, on the plots of land No. 199, 200, 205, 241, 121/24, 367/6, 379/5, 356/2, 492/1 – wind power plants, erection yards, access roads, and medium voltage electric power cable lines, and teletechnical cable lines, and on the plots of land No. 95, 107, 108, 220/1, 220/2, 244, 295/2, 366, 374, 425, 458, 475/1, 479, 481/2, 482, 494, 778, 801, 818 – access and reconstructed roads, and medium voltage electric power cable lines and teletechnical cable lines.

2. Conditions of use of land under the execution and operation or use of the undertaking, with particular consideration of the need to preserve precious natural values, natural resources and monuments, and limiting environmental nuisances to the surrounding areas:

1) *the investor is obliged to perform the following actions minimizing the effects of the investment in question on fauna, with special regard to birds and bats, including:*

- a) back-up facilities must be located outside the areas of considerable natural and biocenotic qualities within the undertaking area,
- b) works associated with the investment should be executed outside birds breeding season, and amphibia and reptiles breeding season (i.e. outside the period 01 March – 31 August), or after establishing that no such places exist on the locations of planned investment activities, including cutting bushes, and after obtaining a permit for deviation from the bans concerning existing wild animals under protection, pursuant to Article 56 of the act of 16th April 2004 on nature protection (Journal of Laws 2013, item 627, as amended),
- c) it is forbidden to destroy animals' dens and breeding grounds, and other refuges and places of their reproduction,
- d) the planned earthworks should be executed in such manner that the intervention in the seasonal migration routes of amphibia living near the area of the planned works is reduced to the minimum,
- e) during breaks in the construction works, excavations must be secured to prevent animals (amphibia, reptiles, mammals) from falling into them, and before resuming works the excavations must be checked for the presence of animals, and if there are any, they must be evacuated from the excavations,
- f) the works shall be arranged under environmental supervision, i.e. there must be ensured a nature specialist supervision, to control the course of the construction works, and the need to specify the time and method of work, with regard to the environmental values of the investment area, and supervision over cutting bushes,
- g) before commencing the construction works, the environmental supervision on site is to verify the possible existence of protected species, and should their presence be confirmed, the investor is obliged to obtain the appropriate permit, referred to under item 2.1.b,
- h) to preserve landscape qualities, it is forbidden to place advertisements on the nacelles (it is allowed to put a logo of the investor, or the producer),
- i) tower structures must be painted light, pastel colours with mat surface, to improve visibility and the likelihood that the working turbine is seen by birds flying by, during day and night hours, and as a factor scaring away the birds of prey,

- j) to eliminate the phenomenon of light reflexes, towers and rotor blades should be painted light, pastel, mat colour; blades ends should be painted following the rules for painting air obstacles.

2) with regard to ground and water environment:

- a) excavation works must be executed in the manner preventing their contamination (e.g. with oil derivatives),
- b) all actions must be taken to prevent emergency situations consisting in the penetration of abnormal contaminants to watercourses, drainage ditches, and other water tanks,
- c) it is strictly forbidden to change hydrographic conditions in the area covered by the investment, and it is forbidden to remove waterholes,
- d) within natural habitats in the area of the investment grounds, it is forbidden to convert the surface of soil, and take actions leading to the change of hydrographic conditions,
- e) within the borders of the designed environmental use area, it is forbidden to convert the surface of ground, and it is forbidden to take actions leading to the change of hydrographic conditions.

3) with regard to waste management:

- a) the produced construction waste must be managed on one's own, if possible, and if not, it must be delivered to the entities legally authorised to handle waste,
- b) during the construction and erection works, the layer of ground taken off must be properly stored, to use it for bringing it to the initial condition as soon as the construction is completed,
- c) service works after commissioning WF should be performed under good weather conditions (np. no precipitation), and the waste produced should be managed in compliance with the law,
- d) all waste should be stored selectively, at designated spaces (storage of waste outside the environmentally valuable areas), and its regular collection must be ensured.

4) with regard to air protection against excessive pollution and noise emission to the environment:

- a) to locate back-up facilities, machine base, and access roads to the construction site, as far from the areas subject to protection against noise, as practically possible,
- b) wind power plant towers must be located at a distance allowing for maintaining admissible noise levels on the areas acoustically protected,
- c) wind power plants must be equipped with the state-of-the-art technical solutions, ensuring lower noise emissions to the environment,
- d) construction works emitting high noise levels should be executed near the acoustically protected areas only during daytime, i.e. from 6:00 a.m. till 10:00 p.m.,

- e) to use vehicles, machines, and construction equipment in good technical condition, with low noise emission level, and low pollution emission to the air,
- f) to limit the work of combustion engines, construction machines and idle running vehicles to the minimum, and to turn off the engines of equipment not operated at the moment,
- g) to minimise the work of engines in high gear,
- h) not to overload the machines and vehicles,
- i) to cautiously load loose materials onto the vehicles,
- j) to use canvas to cover open load-carrying bodies of vehicles transporting loose materials causing dust generation,
- k) optimise the drive routes of heavy equipment to minimise the nuisance for the neighbours.

2. Requirements concerning environmental protection to be included in the documentation required for issuing the decision on building permit, in particular in the building design:

- 1) take into account the conditions specified under item 1 hereof,
- 2) the investment must be consistent with detailed arrangements concerning the location and parameters contained in the applicable area development plan (Resolution No. XXXIV/353/2010 of the Widuchowa Commune Council of 9th November 2010 (Official Journal of the West Pomeranian Province, No. 130, item 2605) taking into account the following conditions:
 - a. location of no more than 6 wind power plant towers (EW1 to EW6), capacity of 2.5 MW each, with the accompanying infrastructure,
 - b. exclusion of the plots of land No. 492/1 and 379/5 from Żelechowo precinct from the location of wind power plants,
 - c. the maximum tower construction height – up to 140 m above the ground level,
 - d. the maximum height of the top point of the rotor in vertical position – up to 180 m above the ground level,
 - e. the area of the service yards shall not exceed 900 m²,
- 3) use towers with pipe construction of the mast,
- 4) the location of apparatuses and equipment must be designed so as to limit noise emission (np. silenced nacelles)
- 5) to ensure possibility to individually adjust operating parameters of each of the turbines in such manner, that setups can be modified to reduce the acoustic capacity of a single power plant,

- 6) to finish the outlines of the newly built access roads in the manner allowing animals, and in particular amphibia, to migrate freely during dispersion or seasonal migrations (within the area of the animals activities),
- 7) the planned wind power plants must be distributed in such manner that the distance between the towers is not less than 350 m, which shall allow maintaining space corridors for birds, and their free migration near the planned structures, and thus it shall reduce the collision zone for these power plants,
- 8) one should consider such location of the respective towers, that they are located at the distance of 200 m from forests, trees, and water tanks and watercourses, which shall minimise bats collision with those structures,
- 9) one should consider such location of the water power plants that does not interfere with the protective zone of sea eagle in division 133, including the corridor of flying out and in to the nest (i.e. at the distance of at least 1.8 km, as indicated in the supplement to the report)
- 10) apply such technical, technological and organisational solutions, including in particular the solutions concerning noise and electromagnetic fields emissions that will allow maintaining the noise, and electromagnetic field levels below the permissible level, or at least on that level (e.g. by the use of lower-noise level turbines),
- 11) power plants must be equipped with aviation obstacle markings – for daytime and nighttime (in compliance with the applicable regulations).

3. Requirements concerning the prevention of industrial breakdowns with regard to undertakings considered to be plants posing the risk of serious breakdowns, as provided for in the act of 27th April 2001, the environmental protection law:

- *not specified*

4. Requirements concerning limitation of cross-border effects on the environment with regard to undertakings for which a procedure on cross-border effect on the environment was carried out:

- *not specified*

5. The following actions concerning prevention, limitation and monitoring of the undertaking's effect on the environment must be carried out:

- 1) the undertaking must be carried out under environmental supervision referred to under item 2.1.f and 2.1.g hereof.
- 2) during the execution phase of the investment, one must control:
 - a) the progress of construction and erection works, especially as regards the protection of mid-field trees and bushes against damage,

- b) amphibians, reptiles, and mammals falling into the excavations for the power plant foundations,
 - c) the existence of animals reproduction stations, and breeding places of birds on the areas of the designed access, service roads, and erection yards, etc.,
- 3) As soon, as the investment is put into operation, carry out test measurements of noise levels on the closest areas subject to acoustic protection (with regard to wind power plants), with regard to the applicable standards defined in the regulation of the Minister of Environment of 4th June 2007 on the permissible noise levels in the environment (Journal of Laws of 2014, item 112) under wind conditions, under which the undertaking demonstrated the most adverse effect on the acoustic condition of the environment quality, and to submit the test results to the authority issuing this environmental decision,
 - 4) carry out a 5-year environment monitoring, by specialists experienced in ornithology and chiropterology, starting from the first year of putting WF into operation, with an annual report submitted to the Regional Director for Environmental Protection in Szczecin,
 - 5) the detailed scope of monitoring, methodology and the method of execution shall be submitted to the Regional Director for Environmental Protection in Szczecin for approval before the operation of the undertaking,
 - 6) post-execution monitoring shall be based on the methods contained in the studies of: Polish Wind Energy Association 2008 "Guidelines for the assessment of wind power plants effect on birds", and "Agreements for bats protection 2009, "Provisional guidelines concerning the assessment of wind power plants effect on bats" (rev. II December 2009). If, by the time the construction is completed, and the undertaking is put into operation, new guidelines are given within this scope, it is recommended to adjust the research methods by implementing the new guidelines,
 - 7) monitoring should include observation during all cycles of phenological periods (the period of breeding, autumn migration, winter habitats and spring migration of birds) and the analysis of the course of phenomena including bats ecology both for the wind farm in question, and other wind farms planned and existing in the vicinity, in order to assess the cumulative effects on birds and bats,
 - 8) monitoring tests should take into special account the use of investment area by the population of sea eagle during the respective phenological periods,
 - 9) should there be established a collision of birds or bats with the planned objects, during autumn-winter period the dead animals should be removed from the area below the wind power plants, and in their vicinity (radius up to 500 m),

- 10) the results obtained must be interpreted, by assessing the investment's effect on the populations of birds and bats, and, if possible, specific rescue or compensation activities to mitigate the risk of collision of birds and bats with the investment objects, that should be introduced must be proposed,
- 11) the results of the completed annual phases of ornithological and chiropterological monitoring, including the interpretation and assessment of the effect, shall be produced in writing, with a copy on an electronic data carrier to the Regional Director for Environmental Protection in Szczecin, within two months from the end of each of the respective monitoring cycles. In justified cases the deadline can be changed.
- 12) if the monitoring results indicate that the investment causes a considerably adverse effect on the natural environment (birds and bats species), on the basis of the produced monitoring results the Regional Director for Environmental Protection in Szczecin may decide on, e.g. applying other mitigating activities. In such case, the investor shall take mitigating and repair activities, without undue delay and at its own cost, after which the investor shall carry out post-execution monitoring again.

6. I do not impose the obligation to carry out the assessment of environmental impact within the application procedure for building permit for the investment in question.

Justification

On 12.07.2010, this office received an application from Biuro Usług Inwestycyjnych Sp. z o.o. DOMREL, ul. Odzieżowa 12C/1, 71-502 Szczecin, for a decision on environmental conditions of the undertaking consisting in the construction of "A complex of wind power plants Widuchowa with the accompanying technical infrastructure", located near the village of Żelechowo. Pursuant to § 3 paragraph 1 item 6 letter b of the regulation of the Council of Ministers of 9th November 2010 on undertakings that may considerably affect the environment (Journal of Laws No. 213, item 1397) the category of undertakings that might considerably affect the environment (for which drawing up the report is optional) shall include "installations using wind power to produce electric energy, other than those listed in § 2 paragraph 1 item 5, of the total height not lower than 30 m." The investment in question is not located within the area designated as Obszar Natura 2000 (The area Natura 2000).

Taking into account the above-mentioned regulation, the authority conducting the proceedings, with the letter with reference number: GNG:7614/2/2010 of 20.07.2010 applied to the Regional Director for Environmental Protection in Szczecin and National District Sanitary Inspectorate in Gryfino for an opinion, to confirm the obligation to carry out the assessment of the impact on the environment, and specify the scope of the report. Considering that the number of parties of the proceedings exceeds 20, all parties were notified of the institution of the proceedings by

an announcement displayed on the communication board of the Widuchowa Commune Office, and published in Biuletyn Informacji Publicznej (Public Information Bulletin) of the Widuchowa Commune Office on 20.07.2010.

Pursuant to the decision of 10th September 2010, reference number: RDOŚ-32-WOOS-TŚ-6642/17-1/10/at the Regional Director for Environmental Protection in Szczecin found it necessary to perform assessment of the environmental impact of the undertaking under the name "Construction of a complex of wind power plants Widuchowa with the required technical infrastructure" and specified the full scope of the report on the environmental impact of the undertaking in question, and with the letter dated 30th July 2010, reference number PS-N-NZ/4011-21/123/10 also the National District Sanitary Inspectorate in Gryfino found it necessary to perform assessment of the environmental impact of the undertaking in question and specified the scope of the report. On the grounds of the above decision and opinion, the Head of Widuchowa Commune issued a decision, reference number: 7642/2/2010 of 26.11.2010 on the imposed obligation to perform assessment of the environmental impact, and specified the full scope of the report.

In the course of the proceedings, with the letter dated 26.11.2013, the applicant submitted the Report on environmental impact of the investment consisting in the "Construction of a complex of wind power plants Widuchowa with required technical infrastructure" drawn up by mgr inż. M. Rychlewski, mgr inż. A. Zyska, and dr inż. W. Zyska (Szczecin, November 2013). With regard to that, the Head of Widuchowa Commune analysed the consistency of the produced report with the scope specified in the decision, and forwarded it to the Regional Director for Environmental Protection, and National District Sanitary Inspectorate. He also ensured the participation of the public in the proceedings by giving notice, in which he published information on the accession to the assessment of environmental impact, instigation of the proceedings, the subject matter of the decision to be issued, the authority competent to issue the decision, and authorities competent to issue opinions and make arrangements, the possibility to become familiar with the case documentation, the possibility to submit remarks and motions, and the authority competent to consider remarks and motions. The notice was available in BIP (Biuletyn Informacji Publicznych) of the Widuchowa Commune Office, and on the notice board of Widuchowa Commune Office, and on the notice board in the village of Żelechowo, from 09.12.2013 till 30.12.2013. Within the set period no remarks or motions were filed with regard to the public participation in taking the decision.

After the analysis of the report of environmental impact of the planned undertaking, the National District Sanitary Inspectorate issued positive decision, reference number: PS-N-NZ/401-11/276/13 of 18.12.2013, on the execution of the undertaking, whereas the Regional Director for Environmental Protection in Szczecin found it necessary to explain and supplement the report on environmental impact of the undertaking. With the letters dated:

13.01.2014, 07.03.2014 and 27.05.2014, the Head of Widuchowa Commune and the investor were requested to supplement the report. The requested supplements were filed on 12.02.2014, 31.03.2014 and 22.07.2014, respectively.

The Regional Director for Environmental Protection extended the deadline for taking stand in the case in question. Pursuant to the decision of 26.08.2014, reference number: WONS-OŚ.4242.31.2014.AT (former reference: WOOŚ-TŚ.4242.90.2013.AT) the Regional Director for Environmental Protection agreed to the execution of the undertaking and specified the conditions. Due to numerous supplements to the report, the Head of Widuchowa Commune, with the letter dated 28.07.2014, reference number: GNG:7624/2/2010-2014, applied again to the National District Sanitary Inspectorate for an opinion on the conditions of execution of the undertaking in question. With the letter dated 28.08.2014, reference number: PS-N-NZ/401-8/136/14 the National District Sanitary Inspectorate issued positive opinion on the execution of the undertaking. On 04.09.2014, the Head of Widuchowa Commune notified all parties that evidence was collected to issue decision on environmental conditions, and that the case documentation can be read.

According to the report, the planned investment shall include the execution of a complex of 8 wind power plants (WF) with the associated technical infrastructure on the territory of Widuchowa commune, within Żelechowo precinct:

- on plots of land: No. 199, 200, 205, 241, 121/24, 367/6, 379/5, 356/2, 492/1 – wind power plants, erection yards, access roads, and medium voltage electric power cable lines and teletechnical cable lines, whereas wind power plant EW1 will be located on two of the above-mentioned plots, i.e. 199 and 200,
- on the plots of land No. 95, 107, 108, 220/1, 220/2, 244, 295/2, 366, 374, 425, 458, 475/1, 479, 481/2, 482, 494, 778, 801, 818 – access and reconstructed roads, and medium voltage electric power cable lines and teletechnical cable lines.

The undertaking shall be located in an open area of agricultural and communication function near the village of Żelechowo. The respective wind power plants are located on agricultural land being the property of private owners, at a distance of over 500 m from the nearest farming and housing buildings, and in the vicinity of the existing communal roads.

Technical parameters of the designed wind power plants:

- capacity of a single turbine – up to 2.5 MW,
- tower height above ground level – up to 140 m,
- total height of a wind power plant – up to 180 m,
- building area of a single wind power plant – approx. 500 m².

Technical parameters of the designed technical infrastructure:

- minimum width of access roads – 4 m,
- erection yard – approx. 900 m²,

- medium voltage electric and power cable lines and electrical installation conduit
- connection to the existing GPZ station in Lubicz.

Service of equipment installed in the nacelles (technical service access) is ensured by the use of a hatch ladder and automatically controlled technical lift, which are installed inside each pipe tower construction.

The energy produced shall be resold to the companies dealing with distribution of energy and further transferred to national power grid.

The undertaking will be executed in phases: phase I – construction of foundations, phase II – erection of wind power plants.

For the purpose of the planned investment, the applicant has performed a variant analysis. The initial variant was the location of 9 wind power plants, in compliance with the local spatial development plan. However, the investor applied for the optimal variant, i.e. the execution of 8 wind power plants.

Considering that the planned investment, both in the phase of execution and operation may affect the environment, on the basis of the submitted documentation the authority has assessed the investment's effect on the natural components of the environment, including the areas Natura 2000. It should be noted here, that according to data available to the Regional Director for Environmental Protection in Szczecin, the boundary of the plot No. 492/1 Żelechowo precinct, on which one of the wind power plants is planned (EW8), is situated at the distance of approx. 150 from the border of sea eagle protection zone established by the decision of the Regional Director for Environmental Protection dated 28.06.2013, reference number WOPN.6442.14.2013.MS.ASD.

Therefore, in the letter of 13.01.2014, reference number WOOŚ-TŚ.4242.90.2013.AT.1, the authority requested "reconsideration of the location of the respective wind turbines, with a suggested resignation of or displacement of the turbines that are in biggest conflict with the precious natural qualities of the area, including i.a. breeding and feeding grounds of precious bird species".

In response to that (letter dated 13.02.2014), authors of the report stated that the location of none of 9 wind power plants collided with breeding areas of birds listed in appendix 1 to the Birds Directive, natural habitats listed in appendix 1 to the Habitats Directive, plant and animal species specified in appendix II to the Habitats Directive, fully and partially legally protected mushroom and plant species, reproduction areas of amphibia, reptiles, birds and mammals listed in Polish red book of animals (Głowaciński, 2001), and the designated and proposed protected areas, and the internal part of both investment areas are used by animal species popular in Pomerania area and in Poland. The closest designated protective area of birds protected by zone, is located at the distance of approximately 5 km. The intensity of birds' passing through the investment area, where 6 power stations are planned, is not much different

from the results of pre-investment monitoring of wind farms planned for execution in 10 km radius.

On 27.05.2014, Regional Director for Environmental Protection in Szczecin held a meeting between the representatives of the applicant, and Widuchowa Commune Office, during which the results of analyses performed by Regional Director for Environmental Protection in Szczecin were presented, including the fact that wind power plants EW7 and EW8 are located close to the protective area of sea eagle, in division 133, and this issue was not included in the report and in the supplements thereto. The matter of the investor's resignation from the locations of wind power stations EW7 and EW8 was subject to initial discussion. Then, with the letter dated 27.05.2014, reference number WONS-OŚ.4242.31.2013.AT.3 the applicant was requested to supplement the report with the following issues:

1. Present an alternative variant of the execution of the undertaking, taking into consideration the resignation of wind turbines EW7 and EW8, and a possible resignation or displacement of wind turbines EW5 and EW6, i.e. the ones that to the largest extent collide with precious natural qualities of the area, including breeding and feeding grounds of sea eagle, and the areas occupied by bats.
2. Supplement the issues concerning the protective zone of sea eagle, and potential areas of bats existence, with regard to the planned wind turbines, in particular: EW8, EW7, EW6, and EW5.

According to the supplement received on 29.07.2014, the locations of power stations EW7 and EW8 are close to the protective zone of sea eagle's nest. In the opinion of the authors of the ornithological monitoring, those locations would require additional, at least one-year long observation focused on the assessment whether they are located within the main corridor, or the corridor of flights to and from the sea eagles' nest in division 133. Therefore, it was concluded that those two locations (concerning turbines EW7 and EW8) should be excluded from the execution, and in the consequence, the size of the WF should be limited to 6 turbines (the variant with 6 turbines from EW1 to EW6).

With regard to the above, the Regional Director for Environmental Protection in Szczecin analysed the proposed variants and agreed to the variant indicated in the supplement to the report filed on 29.07.2014, as the investment variant most beneficial for the environment. The above actions are consistent with Article 81 paragraph 1 of the act on environmental protection. Locations of wind power plants are planned on agricultural lands. Whereas the cable lines will run in the existing road lines or on agricultural grounds. The cable lines will be placed under ground. It is planned that next to a power plant there will be placed a container with a cable connection with measuring and protective equipment installed.

According to the filed documentation, the area subject to the report is located west of the village Żelechowa. Presently, the investment area is used for agriculture and it adjoins

other agricultural areas, forests, Kielbicz lake, waterholes, and the lowering of the Marwicka Struga river. Taking into account the locations of respective wind power plants, it must be noted that they will be situated outside the protected areas, also outside the areas Natura 2000. The area for the intended undertaking is located at the distance of:

- approximately 2.3 km from the area of special protection of habitats Natura 2000 "Dolna Odra" ("Lower Odra") PLH 320037,
- over 5 km from Lower Odra Valley Landscape Park (Park Krajobrazowy Dolina Dolnej Odry).

According to the Standard Data Form (SDF) the area of Lower Odra Valley, is the home of at least 34 bird species listed in Annex I to the Birds Directive, and 14 species from the Polish Red Book, among other sea eagle, red kite, black kite, gadwall, ruff, western marsh harrier and Montagu's harrier, hen harrier, and landrail. The area is extremely important, especially for water and marsh birds during breeding period. It is a route of spring and autumn-winter passages, and winter habitat for bird species arriving from the East. Whereas, in the area of habitat refuge Lower Odra, there are habitats specified in Annex I to the Habitats Directive, and numerous, rare, and endangered species, including 17 species from Appendix II, e.g. pond bat.

Moreover, it results from the Wildlife survey of the West Pomeranian province (BKP, 2010) that a part of the area dedicated for the construction of the windmills is located near the proposed Natural and Landscape Complex "Widuchowskie bagna" (Widuchowa swamps) which is a breeding place of protected amphibia, reptiles, and birds, e.g. common newt, fire-bellied toad, tree frog, common toad, frogs: pool frog, edible frog, moor frog and grass snake, common lizard, great bittern, white stork, sea eagle, crane, western marsh harrier, and red kite. As the above list shows, this area is the habitat of species protected according to Annex II to the Council Directive 92/43/EEA of 21 May 1992 on the conservation of natural habitats and wild fauna and flora, and Annex I to the Council Directive 79/409/EEA on the conservation of wild birds.

For the purpose of the planned investment, there was taken a wildlife inventory, including both fauna and flora, and all-year nature pre-investment monitoring of fauna.

The following conclusions result from the inventory:

The area where the wind power plants are to be erected, is an agricultural area under intensive use, therefore there is no vegetation of greater natural value. Within the cultivated land where the planned wind turbines are to be situated, and within the shoulders of traffic routes, and waste lands, along which the accompanying infrastructure will be built, no plants under strict protection were identified. According to the Wildlife survey of Widuchowa commune (BKP, Szczecin 2006), there can exist plants under partial protection, i.e. dwarf everlast and cowslip. Whereas, according to Wildlife survey of West Pomeranian province (BKP, Szczecin 2010), within the investment area, there are 9 plant species under strict, partial protection or

considered as precious, however they are located outside the investment zone (within the radius of approximately 300 m from the location of the wind power plants).

In the ecological system of the commune, an important role is played by mid-field trees located along most of the roads, waterholes, water courses, ditches and baulks. Those tree stands predominantly consist of: pear, apple, plum trees, poplars, willows, horse chestnuts, ashes, black alders, sloes, alder buckthorns, guelder-roses. Along the existing ground roads and hard-surface roads there are trees and bushes, mainly fruit trees. Under the planned investment, it is estimated that approx. 300m² of bushes (along the existing road) will be cut. As it is likely that the vegetation hosts breeding nests of birds, cutting down may only take place after the offspring leaves the nests, i.e. outside the birds breeding season (i.e. 01 March - 31 August). Should there be discovered the existence of species under protection, pursuant to Article 56 of the act on nature conservation, one must first seek permit from an appropriate nature conservation authority.

In the area in question, besides the typical cultivable plants, there are complexes of vegetation, forming three types of natural habitats as described in Annex I to the Habitats Directive. These include:

- 3140 – hard oligo-mestrophic waters with benthic vegetation of Chara spp. (within the borders of the investment, the Kielbicze lake area),
- 3150 – old river beds, and other natural eutrophic lakes (they exist both within and outside the investment area) – the report states that some of those water tanks were transformed and degraded because within the last tens of years they disappeared or their water level was considerably reduced,
- 91E0 – riparian forests and riverside willow scrub (exist near the investment borders – within Kielbicze area, and in Marwicka Struga valley, and Żelechowo II Channel) – priority habitat.

Moreover, Wildlife survey of the West Pomerania province (BKP, Szczecin 2010) identified the following habitats within the borders of the investment area:

- 6120 – xeric sand calcareous grasslands, according to the supplement to the report, this habitat is currently rebuilding after the exploitation of gravel in this area,
- 6510 – extensively managed hay meadows of the planar to submontane zones,
- 7140 – transition mires and quaking bogs, according to the report undeveloped,
- 9110 – acidophilous beech forests,
- 9160 – sub-Atlantic oak-hornbeam forests,
- 9190 – acidophilous oak woods.

The respective investment tasks will be executed outside natural habitats specified in the Habitats Directive, however close to them. Some of the works will be performed near:

- extensively managed hay meadows of the planar to submontane zones – 6510 (infrastructure in the road adjacent to the habitat),
- forest habitats – 9190.2 (direct neighbourhood), concerns turbine EW8 and accompanying infrastructure.

Moreover, the undertaking will be executed near waterholes and waterlogged grounds, and the construction of the infrastructure is associated with a passage through the water course Kołbicze, on road plot No. 494.

The execution of the planned investment elements should not lead to a change of hydrographic conditions in waterlogged land depressions creating the above-mentioned natural habitats. As regards those habitats, there was imposed a ban to transform the surface of the soil, and perform activities leading to a change of hydrographic conditions, it is also forbidden to backfill waterholes. Moreover, it was ordered that the location of respective towers is shifted by at least 200 meters from forests, tree stands, bushes, and water tanks and watercourses, which should minimise flying bats collisions with those structures.

On the west, the investment area borders on forests, however no intervention in the area is assumed both under execution, and operation of the investment (power plants will be situated at a distance of approximately 200 m from the affected area).

The above conclusions indicate that the planned investment shall not have a negative effect on the floristic qualities, whose existence was established within the investment area, in particular on natural habitats designated with the code 3150 (old rivers and natural eutrophic lakes with *Nympheion*, *Pontamion* communities) due to the fact that the planned investment works do not directly affect the above habitats, and indirectly they shall not contribute to the interference with or a change to hydrographic conditions, and in fact dehydration of those areas. As those areas are waterlogged, of special importance for amphibia and water and marsh birds, the conditions of the execution of the undertaking were specified so as to allow the conservation of amphibia and reptiles present in these areas. Under execution the planned investment shall not cause any interference with naturally valuable areas, and therefore the investment shall not have an adverse effect on the conservation targets for the respective areas.

In the course of pre-investment monitoring (carried out for the purpose of report in 2009, with additional observations in years 2011-2013), within the investment area (at the distance of up to 300 m from the wind power plants) and the buffer area (from 300 m to 2 km) there were revealed nesting and occupation of breeding areas by 107 bird species belonging to non-Passeriformes and Passeriformes specified in Annex I to the Birds Directive, such as: little grebe, great crested grebe, red-necked grebe, great bittern, white stork, mute swan, greylag goose, gadwall, common pochard, tufted duck, common goldeneye, western marsh harrier, common quail, water rail, common moorhen, crane, northern lapwing, common snipe, green

sandpiper, tawny owl, long-eared owl, woodlark, sand martin colony, red-backed shrike. There were also established the breeding areas of common buzzard and crow, near the village of Żelechowo. Within the area of WF, there was established the existence of birds with high and very high risk of collisions with wind power plants. In general, this issue may concern 23 bird species.

The analysis of breeding period revealed the presence of 19 taxons of generally endangered species at this level (Red Lists, Birds Directive), including the species characterised with high risk of participation in collisions with wind power plants. These included:

- 11 species subject to the Birds Directive, and included in the European or Polish lists of endangered species,
- 12 species of high or very high risk of participation in collisions with the windmills (including common buzzard).

Among the bird species: great bittern, white stork, red kite, sea eagle, and western marsh harrier are the species included in both the lists of birds highly endangered by the windmills, and the lists of protected birds (Red Lists or Birds Directive).

It must be noted that:

- within the investment area (directly around the planned locations of the windmills), only 4 species had their nests: quail and red-backed shrike, skylark and corn bunting (both species with high and very high risk of colliding with the power plants),
- within the buffer area, 10 species had their nests: great bittern, red-backed shrike, quail, landrail, and mallard, western marsh harrier, common buzzard, woodlark, skylark, and corn bunting (both species with high and very high risk of colliding with the power plants),
- the investment area was a feeding or passing ground of 9 bird species having their nests outside the entire investment area: crane and black woodpecker and white stork, red kite, sea eagle, common kestrel, black-headed gull, common swift and crow (both species with high and very high risk of colliding with the power plants).

Among the species observed within the buffer zone, it should be noted the fact that the nest areas are occupied by western marsh harrier and common buzzard at the distance of 1.6 – 1.8 km from the windmills located at the ends of the farm. Those distances contribute to safer living conditions of those species. Additionally, based on the assessment of their behaviours on the already existing wind farms in the West Pomerania region, one may observe the behaviours of western marsh harrier significantly contributing to its existence in the region. Buzzard behaves less efficiently, however the remoteness of its nesting territories may contribute to the reduced risk of collisions.

The group of species nested outside the investment area includes the birds largest in body size (stork, kite, sea eagle). They are classified as the most endangered species in Europe.

With regard to the nest and conservation zone of sea eagle in division 133, the investor was obliged to monitor in the post-investment monitoring the use of the investment grounds by the population of sea eagle during the respective phenology periods.

According to the report, in the area of the planned investment, there was confirmed the presence of 4 species of bats belonging to: pipistrelles, noctules, and serotines. 4 species were identified: common pipistrelle, Nathusius's pipistrelle, common noctule, and serotine bat. These species are mainly associated with forests and other tree stands (noctule, Nathusius's pipistrelle), human settlements (serotine bat), and surface waters (pond bat, common pipistrelle). The above species occupied the air space up to the height of 50 m, however, based on the observations it was noted that the investment area was used by bats to little extent only and therefore, the operating turbines should not pose a threat for those mammals.

In order to additionally secure the natural qualities observed within the investment and adjoining area, there was imposed an obligation to implement preventive solutions, mitigating the potentially negative effect of the investment on bats, including the maintenance of at least 200 m distance of the wind power plants from important feeding grounds, and the places of increased activity of bats, including alleys, espaliers, and other tree stands and bushes. There was also ordered a post-investment monitoring within this scope.

The submitted report and the supplement also contained the estimation of potential cumulative effect of the planned investment, taking into account the designed and the existing wind farms closest to the planned undertaking. According to the report, on the area adjacent to the undertaking there is planned Żarczyn wind farm (16 wind power plants) in Żelechowo precinct – at the distance of approximately 1.5 km, and 3 wind farms in Banie commune, located at the distance of approximately 5 km. Considering the above, special attention must be drawn to the post-executive monitoring that shall allow the estimation of the intensity of birds passages in the air space, including, in particular the birds with high collision risk. The monitoring should demonstrate not only the effects of the undertaking planned by the investor but also the effects of the surrounding wind farms in the cumulative context. Due to the fact, the investor is obliged to carry out post-investment monitoring to estimate the effects of the planned investment on birds and bats, also in the cumulative context because of the other wind power plants planned in the area.

As regards the results of pre-executive monitoring, it must be explained that the planned investment shall not affect the cohesion and integrity of Natura 2000 areas. According to the report, the investment should not interfere with the regional and cross-regional migration of birds. It should not cause the changes in the accessibility of areas of significance for the birds (feeding areas, staging areas, sleeping areas, wastelands). However, by applying the foresight principle, during the phase of the investment execution it will be required to maintain nature supervision, and at the phase of the undertaking's operation, it will be necessary to carry out

the above-mentioned post-execution monitoring of ornithofauna and fauna of bats. Should the results of the monitoring prove that the investment demonstrates significantly adverse effect on the surrounding natural environment, with special regard to birds and bats, the investor, acting in agreement with the Regional Director for Environmental Protection in Szczecin, will undertake preventive and corrective measures, without undue delay and at own cost. In case the applied measures prove to be inefficient, and the existing WF will continue to demonstrate the considerably negative effect on animal species habitats, especially the birds and bats species under protection, and will cause the increased death rate among those species, the investor will be obliged to immediately, temporarily cease operation of the investment during the period of intensive spring or autumn migrations, or to completely exclude the respective turbines or the entire farm from operation, at its own cost without the possibility to claim compensation from the nature preservation authority.

After the assessment of the effect of the planned investment on the environment, it is concluded that the planned investment should not have a considerable negative effect on the bird and bat species under protection, and those for the conservation of which the areas of Natura 2000 were designated, and the adopted technological solutions and specified conditions should ensure the minimisation of the potential effects.

When analysing the effects of the planned investment on the environment, on the basis of the analyses performed, the Regional Director for Environmental Protection in Szczecin assessed the potential effect of the investment on the respective components of the environment. Apart from the effects on the natural components of the environment, the authority also specified the nuisance expressed through the emission of waste, emission of pollution to the air, noise emission to the environment, and the investment's effect on the ground and hydrological environment. The analyses note the fact that the biggest possible threat to the environment may occur during the execution of the undertaking in the result of: erection and construction works, the lack of supervision over the operability of construction equipment and means of transportation, and improper waste management.

The execution of the planned works is also associated with the production of waste. These should include in particular concrete waste, wood waste from the formwork elements of concrete foundations, soil and ground from excavations, construction materials containing plaster, and a small quantity of packaging materials. The waste shall be produced by the construction teams which will be responsible for ensuring proper handling of waste. Pursuant to the provisions of the act on waste, such waste must be stored selectively and be delivered only to specialist entities with appropriate regulations within waste management. According to the report, some of the waste other than hazardous, e.g. ground and soil from excavations, shall be used on site to cover the footings and backfill other excavations. Whereas, at the operation phase, in the course of service works, there shall be produced hazardous waste

(transmission fluid, waste from cleaning the separators from oil contamination on GPZ station) which must be delivered for disposal to appropriate entities.

Taking into account the issues concerning water and waste water management, water consumption on the construction site will be limited. The amount of sewage produced shall depend on the number of persons employed, the organization of works, and technologies applied. Therefore, residential sewage produced during construction works should be collected in leakproof containers (e.g. portable sanitary facilities) and then disposed to waste water treatment facilities. Such method of sanitary sewage collection does not pose a threat to the ground environment, surface and underground waters. At the execution phase, accidental leaks or spills of fuels and other oil derivatives can pose a threat to the ground and hydrological environment. However, to avoid this risk, one should always use high quality equipment, and moreover at the construction site there shall be specially prepared (hardened) [containers] secured against the contaminants getting into the ground.

As it results from the report, the works leading to the foundation of the wind power plants construction, and to run the projected electric and power line, shall include excavations, therefore this decision specifies the conditions that must be met to minimise the emission of dust produced during earthworks, and with the same the dust emission during transportation of respective loose materials. Air pollution during the construction phase shall also be the result of construction machines and vehicles driving within the location of the undertaking. Therefore, the time of work of diesel fuel driven machines must be limited, their driving speed on unhardened surfaces must be limited, and first of all, the vehicles and machines used must be in good technical condition.

In case of noise emission to the environment during the construction phase, the main source of the noise will be the utilized construction machines and means of transportation. However, with the performance of noise producing works during the daytime only, with the use of equipment in good operating condition with low noise emission to the environment, such emission should not be burdensome. Whereas, during the operation of the planned WF, the main source of noise shall be the rotating turbine rotors. In the report it was performed an analysis of the investment's effect on the acoustic climate, taking into account the noise level of up to 104.5 dB produced by each of the power plants. It must be noted that the investment ground is the area of agricultural land and is located outside the acoustically protected areas. The closest acoustically protected areas are the areas with single family dwellings, and farm housings. For those areas, the respective permissible noise levels are 50 and 55 dB (for daytime) and 40 and 45 dB (for nighttime).

The analyses have proven that environment quality standards regarding noise emission in the acoustically protected areas shall not be exceeded. Nevertheless, the investor should pursue the execution of the undertaking in such manner that the potential exceeding of the permissible

noise levels in acoustically protected areas is limited. Considering the above, it is recommended that control measurements of noise levels are taken on the borders of the acoustically protected areas during the phase of investment operation, and the results of the measurements are produced to the authority issuing the environmental decision.

The permissible electromagnetic fields levels in the environment, and the rules for monitoring those levels are specified in the regulation of the Minister of the Environment of 30 October 2003 on the permissible levels of electromagnetic fields in the environment and the methods of control of maintaining such levels (Journal of Laws No. 192, item 1883). Therefore, the investment must be utilized in such manner that the standard values of electromagnetic radiation are not exceeded.

The operation of wind power plants shall not produce solid, liquid, gaseous pollutants nor odours, and therefore shall not affect the resources and the quality of surface and underground waters, and the purity and usable properties of soils. It shall be completely neutral for the ground and hydrographic environment, and in particular it shall not affect the hydrological resources of the usable aquifer levels. There shall not occur an abnormal effect of electromagnetic fields, either.

Therefore, considering the above, it has been decided as in the operative part.

INSTRUCTION

Pursuant to Article 72 paragraph 3 of the act of 03 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013, item 1235 as amended) the decision on environmental conditions is enclosed to the application for a decision on building permit. Such application should be filed within four years from the date on which the decision on environmental conditions became final.

The parties may appeal against this decision to the Self-government Appeal Court in Szczecin with my intermediation, within 14 days from the date of receipt of this decision.

Appendices:

1. Characteristic of the planned undertaking, pursuant to Article 82 paragraph 3 of the act on environmental protection

To:

1. Biuro Usług Inwestycyjnych Sp. z o.o.
DOMREL, ul. Odzieżowa 12c/1, 70-445 Szczecin

2. Fundacja Greenmind
ul. Kaleńska 7/33
04-367 Warsaw

Copy to:

1. Regional Director for Environmental Protection
ul. Jagiellońska 32, 71-502 Szczecin
2. National District Sanitary Inspector
ul. Flisacza 6, 74-100 Gryfino
3. on file

[round official seal of Widuchowa Commune]

[oblong stamp with the following reading]

Stamp duty of PLN 205,00

say: two hundred five złotych

was paid on 17.06.2014, receipt No. –

bank account number 82 9377 0000 0200 0244 2002 0001

[illegible signature]

[oblong stamp]

The decision became final

14.10.2014 *[illegible signature]*

date signature

I confirm that this is a true copy of the original

15.10.2018

p.p. The Head of the Commune

mgr Andrzej Stachura

Commune Secretary

[illegible signature]