

**Statement of reasons for opinion  
on the draft amendment to the Spatial Development Plan for the Lubuskie Voivodship**

Appendix number	Writer of comments (Name and Address)	Comments	Classification of comments, agreements, and opinions	EXPLANATION
90 (75)	Gubin Municipality Office Piastowska 24a Street 66-620 Gubin	<p>On behalf of the Municipality of Gubin, the Mayor requests to abandon all activities regarding the amendments to the Spatial Development Plan for the Lubuskie Voivodship (hereinafter referred to as the SDPLV, Plan, or Voivodship Plan) as being contrary to the law, or alternatively to delete from the Voivodship Plan an investment consisting in the construction of an opencast lignite mine and a lignite-fired power plant in the municipalities of Gubin and Brody, as inconsistent with the will of the residents of those municipalities, expressed in a local referendum, as well as with the other legal provisions set out below.</p> <p><b>Comments of a formal nature:</b></p> <p>A basic argument for discontinuing all work on amending the voivodship spatial development plan is the lack of a regulatory provision specifying the necessary elements that each voivodship plan should contain. Pursuant to Article 40 of the Act of 27 March 2003 on spatial planning and development (hereinafter referred to as the SPD), "the minister competent for construction, spatial and housing matters shall specify, by way of a regulation, the required scope of a draft voivodship spatial development plan in the textual and graphic part, taking into account, in particular, the requirements concerning planning materials, scale of cartographic studies, applied symbols, nomenclature, standards and method of documenting planning works." Despite the lapse of eight years from the entry into force of the said Act, the implementing regulation has not been issued. Partial regulations, specifically Article 87(2) of SPD states that voivodship spatial development plans adopted after 1 January 1999 remain in force. However, if by the date of entry into force of the Act of 27 March 2003 on spatial planning and development, work on the plan has not been commenced or the stage of advancement referred to in Article 85(2) of above-mentioned Act has not been reached, the condition for commencement of work is issuance and entry into force of the said regulation. This condition applies equally to the implementation of amendments to existing plans. Only these works on voivodship spatial development plan may be continued in relation to which, before the date of entry into force of the Act, a resolution on the accession to the preparation or modification of a plan has been adopted and a notice on the date of showing such plans for public consultation has been issued, but the proceedings have not been completed before the date of entry into force of the Act. The date on which the plan amendment was commenced and the date on which it was communicated for public inspection did not precede the date on which the Act came into force. In Lubuskie Voivodship the Plan of 2.10.2001 is in force. Until implementing regulations are adopted, no work on amending the voivodship spatial development plan should be undertaken. In the current situation, any further work on amending the Plan should be immediately discontinued. A current introduction into the Voivodship Plan of an investment consisting in the construction in the municipalities of Gubin and Brody of an opencast lignite mine and a lignite-fired power plant is contrary to the procedure (manner) for introducing public purpose investments of national importance into planning documents. The basic planning act is undoubtedly the National Spatial Development Concept (hereinafter referred to as the NSDC) prepared by the minister responsible for regional development and adopted by the Council of Ministers in the form of a resolution. Ministers and central government administration authorities draw</p>	D	Decision of such an important strategic importance for the development of the voivodship and the whole country should be made by the self-governmental and voivodship authorities. The provisions of the Plan cannot impose on the self-government bodies any actions contrary to the policy of the voivodship authorities.

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		<p>up programmes containing government tasks for the implementation of public purpose investments of national importance, and the Council of Ministers adopts such programmes by way of a resolution. Only when the investment has been introduced in the above-mentioned manner and form into national planning documents it should be taken into account during planning at the voivodship level.</p> <p>The introduction of an opencast lignite mine and a lignite-fired power plant in the municipalities of Gubin and Brody into the voivodship plan is premature. "Energy Policy for Poland until 2030", which was adopted by way of a resolution of the Council of Ministers, cannot be the basis for including an investment of public interest into a voivodship plan. The annex to the above document - Programme of implementing measures indicates that the ordinance on the list of hard coal and lignite deposits of strategic importance for energy security should be prepared and adopted first, and only then should the protection against further development of the deposits indicated in the above-mentioned ordinance be gradually introduced into voivodship and local spatial development plans. A similar course of action is included in NSDC 2030. Marshal's Office of the Lubuskie Voivodship, by introducing the investment in question into the Voivodship Plan, not only violates the order of planning activities, but also fails to comply with the obligation to consult and agree on this type of investment with the interested municipalities.</p> <p>Another procedural violation was the approval of the application by PWE Gubin Sp. z o.o. with its registered office in Sękowice for the inclusion in the plan of an opencast lignite mine and a lignite-fired power plant in the municipalities of Gubin and Brody. An application was received on 26.11.2008, whereas the deadline was 8.10.2008.</p> <p>The basis for including in SDPLV an investment consisting in the construction of an opencast lignite mine and a lignite-fired power plant cannot be either an application of the Minister of Economy of 6 August 2008, since that application concerned only "the introduction of areas of lignite deposits located in the voivodship in question, in accordance with the list of lignite deposits drawn up by the Polish Geological Institute, and the fact that those areas are protected against development with infrastructure not related to the exploitation industry". It cannot be that the deadline for submitting applications applies only to some entities, while others are allowed to submit applications to the voivodship plan at any time. The consequence of a breach of the deadline should be leaving the application unprocessed.</p> <p><b><u>Comments of a material and legal nature.</u></b></p> <p>In part III of SDPLV entitled "Public purpose investments. Programmes and tasks of national importance", the "Gubin lignite deposit" was entered as a public purpose investment. The basis on which authors of the Plan refer is the "Energy Policy for Poland until 2030" (hereinafter referred to as the "Energy Policy"). This document cannot be the basis for introducing public purpose institutions of national importance into planning acts at the voivodship and municipal level. The Energy Policy is merely a regulation of an internal nature, binding on entities subordinate to the Council of Ministers. The same argument applies to Annex No. 3 "Programme of implementing measures for 2009-2012", which is an integral part of the Energy Policy. Thus, neither the voivodship's nor the municipality's self-government is obliged to take into account the public purpose investment which has not been included in the programmes referred to in Article 48(1) of the Act on Spatial Planning and Development of 2003. Pursuant to Article 48(3),</p>		

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		<p>government programmes prepared by ministers and central government administration authorities are adopted by the Council of Ministers in the form of a regulation, i.e., a provision of universally binding law. The reason for basing the public purpose investment of national importance - which would be the construction of a mine and power plant in the municipalities of Gubin and Brody - on the Energy Policy is a breach of the procedure the regulations provide for introducing this type of investment into planning documents. Authors of SDPLV have forgotten about one whole stage, which is the preparation and adoption of a government programme. As it is accepted by doctrine, the procedure of introducing public purpose investments of national importance into a local plan, by NSDC, can only refer to exploitation of minerals being a public purpose. First of all, the investor should take steps to include the investment, prepared by the Ministry of Regional Development, in NSDC. The basis for qualifying the investment for inclusion in NSDC can be e.g., a government document on energy policy (including the Energy Policy), which provides for the development of new lignite deposits as a strategic goal of the energy policy. Only when NSDC is accepted by the Council of Ministers as well as by the Polish Sejm, the Minister of Economy can prepare a programme providing for the implementation of the investment as a government task. In turn, NSDC and the government programme justify the submission of an application by the minister responsible for construction, spatial management, and housing to the Marshall of the Voivodship to incorporate the programme into the voivodship plan. The lack of an adopted NSDC and a government programme "forces" the Marshall of the Lubuskie Voivodship to improvise and to refer to internal acts which cannot constitute the basis for inclusion in the Voivodship Plan of a nationally significant public investment.</p> <p>In the part of the Plan concerning public investments, an investment in question is described in very general terms as "Gubin lignite deposits", however, in other parts of the Plan as well as in the environmental impact assessment (hereinafter referred to as the Assessment), and above all in the "Recommendations for municipalities", this investment is already clearly defined as the construction of an opencast lignite mine and a lignite-fired power plant. It is apparent from the plan as a whole that it is a single, comprehensive investment, and the abandonment of one of its elements renders the whole project pointless from the investor's point of view. In reality, therefore, in the section on public investment, the general term covers a specific investment comprising both a mine and a power plant, as is clear from the application by the investor PWE Gubin Sp. z o.o., at whose request the investment was included in the Plan.</p> <p>It should be noted that Article 6 of the Act of 21 August 1997 on real estate management indicates in Section 8 as a public purpose investment only the prospecting, exploration, exploitation, and storage of minerals owned by the State Treasury as well as lignite mined using the opencast method. Article 6 of the said Act does not list among the public purposes the construction of power plants, but only the construction and maintenance of drainage lines, pipes and equipment for the transmission or distribution of liquids, steam, gases, and electricity, as well as other facilities and equipment necessary to use those pipes and equipment. In the jurisprudence of administrative courts, the view that a power plant, regardless of its type, is not a public purpose investment should be considered well-established. Therefore, the provisions of SDPLV violate, also in this respect, the provisions, and in particular Article 6 of the Act on Spatial Planning and Development of 2003.</p>		

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		<p>There is a significant discrepancy between the Energy Policy, which the Lubuskie Voivodship preparing the Plan unjustifiably treats as the basis for including mines and power plants in the Plan as public purpose investments of national importance, and the proposal of the Minister of Economy dated 6 August 2008. The Energy Policy refers to the exploitation of new deposits but provides for the protection of the areas where deposits exist from further infrastructure development not related to the energy sector as well as their inclusion in the national spatial development concept, local spatial development plans and long-term development strategy. The term protection against non-energy-related infrastructure development is not limited only to the possibility of allocating land for mining purposes, but also allows for the construction of infrastructure related to other types of energy. On the other hand, the above-mentioned proposal of the Minister of Economy, which is not based on appropriate grounds (the relevant government programme), narrows down the possibility of allocating land on which deposits are located solely for mining purposes. This is important as the Gubin Municipality has several alternative investment projects related to wind energy, some of which are located in areas where deposits exist, which in the opinion of the Municipality is in line with the objectives and intentions of the Energy Policy.</p> <p>The provisions of SDPLV concerning the construction of an opencast mine and power station in the municipalities of Gubin and Brody violate Article 2(1) in connection with Article 65 and Article 56(1) of the Act of 15 September 2000 on local referendum. In a local referendum, 68% of the municipality's residents voted against the construction of an opencast lignite mine.</p> <p>Comments and conclusions to SDPLV (conclusions of the Naturalists Club Poland attached by the Municipality of Gubin to SDPLV).</p>		
		<ul style="list-style-type: none"> <li>Another substantive objection to SDPLV is the failure to consider in the Plan and the Assessment the impact of the document (in particular of the investment planned therein to build an opencast lignite mine and a power plant) on Natura 2000 sites. Pursuant to Article 46(1) of EIA Act, the draft of each spatial development plan requires a strategic environmental impact assessment to be carried out. The impact of the planned investments on Natura 2000 areas has been completely ignored. Even authors of the Assessment in their recommendations (p. 117-118) draw attention to "...lack of determination of their impact on protected areas and Natura 2000 areas. Provisions on the minimisation of environmental effects or compensation measures in the case of directions having a negative impact on legally protected areas, including Natura 2000 areas, should be supplemented".</li> </ul>	E	Attachment No. 1
		<ul style="list-style-type: none"> <li>In the text of the Assessment the cumulative impacts are almost absent. They are only presented in Table 6.</li> </ul>		
		<ul style="list-style-type: none"> <li><b>We have a negative opinion</b> on the intention to exploit the Gubin/Gubin 1 deposit, and in particular the possible opencast form of this exploitation. Opencast mining of this deposit: <ul style="list-style-type: none"> <li>✓ Would have very negative impacts on landscape, water resources and biodiversity. While the negative impact on landscape has been indicated in the Assessment, the description of negative impacts on biodiversity needs to be supplemented! In particular it should be pointed out that the Gubin - Brody region is an area where stands of protected, vanishing, and</li> </ul> </li> </ul>	E	Attachment No. 1

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		endangered plants are concentrated, which is unique at the scale of a voivodship and the country - opencast coal mining in this area would mean a risk of significant depletion of biodiversity in the voivodship.		
		<ul style="list-style-type: none"> <li>• <b>We have a negative opinion</b> on the intention to exploit the Gubin/Gubin 1 deposit, and in particular the possible opencast form of this exploitation. Opencast mining of this deposit: <ul style="list-style-type: none"> <li>✓ Would cause deterioration of groundwater status and thus failure to achieve environmental objectives for groundwater in the sense of the EU Water Framework Directive and the Act on Water Law. The environmental impact assessment needs to be supplemented by this aspect.</li> </ul> </li> </ul>	E	Attachment No. 1
		<ul style="list-style-type: none"> <li>• <b>We have a negative opinion</b> on the intention to exploit the Gubin/Gubin 1 deposit, and in particular the possible opencast form of this exploitation. Opencast mining of this deposit: <ul style="list-style-type: none"> <li>✓ Would go against the will of local communities, as expressed in referendums.</li> </ul> </li> </ul>	D	Attachment No. 1
		<ul style="list-style-type: none"> <li>• <b>We have a negative opinion</b> on the intention to exploit the Gubin/Gubin 1 deposit, and in particular the possible opencast form of this exploitation. Opencast mining of this deposit: <ul style="list-style-type: none"> <li>✓ Would be incompatible with the European Union's policy to reduce CO<sub>2</sub> emissions and energy consumption by 20% until 2020 (this objective cannot be achieved through the development of lignite-based energy).</li> </ul> </li> </ul>	D	Attachment No. 1
		<ul style="list-style-type: none"> <li>• We are not opposed to protecting the deposit as a strategic resource. We state that its exploitation is possible only in the event of an unforeseen change in energy policy conditions and rather in the distant future, using less harmful exploitation techniques than an opencast mine. We request to include this proviso in the Plan.</li> </ul>	-	-
		<ul style="list-style-type: none"> <li>• By way of Resolution 270/2007 of 26.10.2007, the Council of Ministers established the "National Strategy for the Conservation and Sustainable Use of Biodiversity and the Action Programme for 2007-2013". This strategy is therefore a government programme, the findings of which should obligatorily be included in the voivodship's spatial development plan. Task no. 30 provides for "Establishment, based on the assessment and taking into account socio-economic conditions, of new protected areas, (...) landscape parks, including (scope for Lubuskie Voivodship): Drawsko Forest, Lower Silesian Forest, (...) enlargement of (...) Łagów Landscape Park, Pszczew Landscape Park, and (...) new nature reserves. We request to include this task in the voivodship spatial management plan, together with indication of proposed landscape parks and reserves on maps".</li> </ul>	F	
		<ul style="list-style-type: none"> <li>• <b>We have a positive opinion</b> on the identification of rivers requiring "renaturalisation from the point of view of the functioning of migratory ichthyofauna species". This is in line with the requirements of the Water Framework Directive and the current wording of the Act on Water Law. As the map presented for consultation is not very clear, we would like to point out that at least following rivers should be indicated:</li> </ul>	-	

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		<ul style="list-style-type: none"> <li>✓ Included in the study "Assessment of needs and priorities of distinguishing the morphological continuity of rivers in the context of achieving good status and potential of water bodies in Poland" (National Water Management Authority 2010) - i.e., rivers: Oder, Warta, Noteć, Drawa, Obra, Ilanka, Pliszka, Nysa Łużycka, Bóbr, Kwisa.</li> <li>✓ Located in Natura 2000 areas of community importance, protecting fish (including: European bullhead, asp, European river lamprey) - in relation to the water-environmental objective for protected areas resulting from Article 38f(1) of the Act on Water Law.</li> </ul>		
		<ul style="list-style-type: none"> <li>• The concept of "river renaturation for the development of water tourism" is not fully understood. Our opinion on this subject would depend on the detailed understanding of this formulation by the authors of the plan. We would give a positive opinion to the renaturalisation of rivers through the removal of unnecessary hydrotechnical structures. On the other hand, activities relating to the development of small infrastructure to encourage canoe tourism or the removal of fallen trees from riverbeds obviously cannot be defined as renaturalisation. We would like to point out that on small and medium rivers in Lubuskie Voivodship the requirements of nature protection create certain limitations for canoe tourism, e.g. by requiring restrictions on the dates of canoeing (this concerns spring and early summer periods only, as e.g. in Drawa National Park) or quantity limits; on some rivers (e.g. Pliszka) canoe tourism, although possible when its intensity is low, would be harmful to nature if it became mass (this problem has already occurred e.g. in Drawa National Park). This issue should be signalled in the Plan.</li> </ul>	A	
		<ul style="list-style-type: none"> <li>• <b>We have a negative opinion</b> on the intention to develop waterways, as it has no deeper justification in terms of transport needs and is burdened with the risk of environmental impact. In view of the conflict with protected areas, it is doubtful whether such a project would be implementable at all.</li> </ul>	D	Attachment No. 1
		<ul style="list-style-type: none"> <li>• Data on forms of nature conservation should be updated to the state for 2011 (presently the state for 2008 is given, and current state only for Natura 2000 areas).</li> </ul>	A	
		<ul style="list-style-type: none"> <li>• In the diagnostic part concerning tourism, we suggest deepening the discussion on the following aspects: <ul style="list-style-type: none"> <li>✓ Values of semi-natural landscapes of the voivodship, related to their high saturation by natural elements - expressed, inter alia, by the recognition of the Lubuskie Land as the European Landscape of the Year 2003/2004.</li> <li>✓ High saturation by interesting monuments of old technology - including unique monuments connected with the Oder River, hydrotechnical monuments (hydroelectric power plants, including the Kamienna on the Drawa River, power plants on the Kwisa River and the Bóbr River), numerous monuments of fortification technology from various periods (not only the Międzyrzecki Fortified Region, but the whole line of the Pomeranian Wall, fortifications on the Oder River, Cigacice, Fortress Kostrzyn, Fortress Drezdenko, etc.), bridges on the Oder River, rural technology monuments (distilleries, irrigation systems, fishpond systems).</li> </ul> </li> </ul>	E	In the provisions of the Plan and directions of Lubuskie Voivodship development, a lot of attention was paid to, as well as a lot of pressure was put on the discussion of landscape values, natural elements, and historical richness of the voivodship. One of the main elements of spatial and economic advancement of Lubuskie region should be growth based on development of tourism and related infrastructure.

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		<ul style="list-style-type: none"> <li>✓ Local architectural tradition - including traditional architecture in primeval forests (Drawsko Forest, Notecka Forest, Lower Silesian Forest), Hollander architecture in floodplains (Drawa Valley, Warta Valley) - together with horticultural tradition specific to the voivodship (lilac cultivation tradition, role of acacias in the landscape).</li> <li>✓ Geological heritage and geotouristic values (Muskau Arch - planned geopark, "anthropogenic lakeland" after lignite exploitation near Łęknica, geotouristic objects in Drawsko Forest and Drawa National Park.</li> <li>✓ Drawsko Forest as one of the best preserved "dark sky areas" in this part of Europe, a potential area predestined for agrotourism development.</li> </ul>		
		<ul style="list-style-type: none"> <li>• <b>The environmental impact assessment needs to be supplemented by:</b> <ul style="list-style-type: none"> <li>✓ A deeper analysis of the impact on the Natura 2000 network than has been carried out. In particular, it is necessary to reach a definitive conclusion on whether - and under what conditions - the Plan is free of the risk of significant negative impacts on Natura 2000 sites, or to specifically indicate in which zones and sites such risks occur and must be individually analysed in the assessment procedures for specific projects. This is a condition for establishing the plan, in connection with Article 55(2) of EIA Act, and the precautionary principle under Article 191 of the Treaty on the Functioning of the European Union.</li> </ul> </li> </ul>	F	Attachment No. 1
		<ul style="list-style-type: none"> <li>• <b>The environmental impact assessment needs to be supplemented by:</b> <ul style="list-style-type: none"> <li>✓ Specific analysis of impact on water condition in terms of environmental objectives for surface waters, groundwater, and protected areas, resulting from the Water Framework Directive and the Act on Water Law. It should be especially noted that due to the new wording of the Act on Water Law in force since 18 March 2011 in the scope of environmental objectives, it will be necessary to amend and revise the "programme of small retention in Lubuskie Voivodship" as well as "Oder River 2006 programme". - in particular: <ul style="list-style-type: none"> <li>➤ Many hydrotechnical investments envisaged in these programmes, including retention reservoirs, will not be allowed to be implemented due to their potential negative impact on the ecological status of waters in the Oder River Basin Management Plan.</li> </ul> </li> </ul> </li> </ul>	G	Attachment No. 1
		<ul style="list-style-type: none"> <li>• The environmental impact assessment needs to be supplemented by: <ul style="list-style-type: none"> <li>➤ The statements contained in the Assessment "Measures in the field of small retention including...regulation of sewage, renovation, modernisation and construction of hydro-technical facilities" should be eliminated from the text - including such measures in small retention is a misuse!</li> </ul> </li> </ul>	G	Attachment No. 1
		<ul style="list-style-type: none"> <li>• A positive element of the Plan is the inclusion of river renaturation needs from the point of view of migratory fish functioning, which is in line with the requirements of the Water Framework Directive and the current wording of the Act on Water Law.</li> </ul>	-	

A - editorial corrections and concerning the update of information on the existing state - considered.

B - the Plan already includes corrections proposed by an applicant.

C - comment is not relevant to the Plan.

D - comment contrary to voivodship government policy - not considered.

E - comment partly considered.

F - comment considered.

G - comment not considered.



### **Reasons for opinion No 93 (Gubin Municipality Office)**

The considered possibility of undertaking lignite mining in the Gubin area connected with the construction of an opencast mine and a power plant would be bound by the impact of these investments on various elements of the environment, including the natural one. The most valuable elements of this environment are covered by various forms of nature conservation. Within the areas occupied by the lignite deposits there is a nature reserve, ecological grounds, and natural monuments. In the western part of the analysed area, in areas adjacent to the Nysa valley, part of the lignite deposits is located within the range of the Protected Landscape Area "27-Nysa Valley", while in the area of Brody village it is located within the territory of Brodzkie Lake SAC (Special Area of Conservation), proposed as Natura 2000 site. In the closer or more distant vicinity of the lignite deposits there are further Natura 2000 sites: Uroczyska Borów Zasięckich SAC, Mierkowskie Wydmy SAC and Protected Landscape Area "30A-western approaches to Lubsko town". It can be presumed that some of the legal forms of nature protection mentioned here would be directly and some indirectly affected by the said investment. This impact would refer to various elements of environment. It is possible to determine the scale of the threats in a very general scope; however, we must be aware that the actual scope of the threats will be possible to specify in detail only at the stage of defining specific investment assumptions. This information would then be confirmed at the stage of strategic and impact assessments and would allow to answer the question to what extent the planned investment activities may threaten the cohesion of protected areas or contribute to the destruction of priority habitats. Detailed assessments conducted at this stage will require a number of specialist studies [Nowak A., Modrzejewski Sz. 2010: General...]. The possible way of minimising the adverse environmental impact and determination of forms and scope of compensation connected with the costs of using the environment will be determined by the General Director for Environmental Protection. Nevertheless, in currently published in specialist press opinions, attention is drawn to possible directions of actions which can be taken in order to minimise the adverse environmental impact in case of implementation of the investment project in the Gubin area. The following are some examples of such proposals

- to limit the area which could potentially be occupied by the mine and especially by the external dumps it is assumed based on preliminary design considerations that the mine under construction would be a multi-pit mine. The implementation of such a concept will allow to maximally limit the size of the overburden masses deposited on the external dumps. Such an approach will make it possible to appropriately "control" dates of overburden removal in particular open pits. Thanks to this it will be possible to completely dump the overburden from the newly built open pit in the final excavation of the open pit which has already finished mining. This type of activity could limit the area of direct impact of the mine on soil with biocenoses developing on its surface. [Kasztelewicz Z., Sypniowski Sz., Zajączkowski M., 2011: Defining...],
- to limit the possibility of drying up of soils and, in this way, lowering their productivity in the direct vicinity of the excavation site as a result of disappearance of groundwater present in the soil profile or in the near sub-profile zone, it is recommended to carry out detailed studies of the groundwater table in a zone of the expected impact of the Quaternary depression funnel before the commencement of lignite deposit exploitation. [Naworyta W., Chodak M. 2010: Analyses...],
- outside the deposit area, within the range of a predicted depression funnel are the Suchodół and Brodzkie lakes. These lakes are located within the Brodzkie Lakes Natura 2000 SAC. They are a habitat for valuable species of flora and fauna. In view of above, it is recommended to consider technical protection of these lakes against drainage [Naworyta W., Chodak M., 2010: Analysis...],
- due to the proximity of the Nysa Łużycka valley, it is proposed to build a sealing screen on the river side in all deposits. This will allow to limit the range of a depression funnel and reduce its impact in the zone of the Protected Landscape Area "27 - Nysa Valley" as well as its cross-border impact on German territory. [Kasztelewicz Z., Sypniowski Sz., Zajączkowski M., 2011: Defining...],
- numerous publications point out that in Poland reclamation work in areas affected by lignite mining is carried out at a very high level. The experience already gained may be used in case of new investments. Depending on the course of arrangements with the local authorities, in addition to the already proven methods of agricultural and forestry reclamation, it is possible to apply new courses of action allowing, in some cases, for complete elimination of the effects of former exploitation. [Tajduś A., Czaja P., Kasztelewicz Z., 2011: The role of...].

In connection with the above information on the anticipated necessity to undertake minimisation and compensation measures in the event of exploitation of lignite deposits in the Gubin area and construction of a power plant on that basis, the following text has been attached to Chapter 11 of the "Environmental impact assessment of amendment to SDPLV":

"An example of an investment which, in case of implementation, will require extensive measures both minimising and compensating, is the possible commencement of exploitation of lignite deposits in the area of Gubin and construction of lignite fired power plant. Its implementation will have a broad impact on various elements of the landscape, including the natural environment. Currently, the most valuable elements of that environment are covered by various forms of nature protection. Actual scope of impact of the mine and the power plant will be possible to specify in detail only at the stage of defining specific investment assumptions. Such information would then be confirmed at the stage of strategic and impact assessments and will help to answer the question to what extent the planned investment activities may threaten the integrity of protected areas or contribute to the destruction of priority habitats. Detailed assessments conducted at this stage will require a number of specialist studies [Nowak A., Modrzejewski Sz., 2010: General...]. The possible way of minimising the adverse environmental impact and determination of forms and scope of compensation connected with the costs of using the environment will be determined by the General Director for Environmental Protection. Current discussions in the specialist press point to possible courses of action which can be taken to minimise adverse impact on the environment in the event of implementation of an investment project in the Gubin area. A few such proposals are presented below:

- to limit the area which could potentially be occupied by the mine and especially by the external dumps it is assumed based on preliminary design considerations that the mine under construction would be a multi-pit mine. The implementation of such a concept will allow to maximally limit the size of the overburden masses deposited on the external dumps. Such an approach will make it possible to appropriately "control" dates of overburden removal in particular open pits. Thanks to this it will be possible to completely dump the overburden from the newly built open pit in the final excavation of the open pit which has already finished mining. This type of activity could limit the area of direct impact of the mine on soil with biocenoses developing on its surface. [Kasztelewicz Z., Sypniowski Sz., Zajączkowski M., 2011: Defining...],

- to limit the possibility of drying up of soils and, in this way, lowering their productivity in the direct vicinity of the excavation site as a result of disappearance of groundwater present in the soil profile or in the near sub-profile zone, it is recommended to carry out detailed studies of the groundwater table in a zone of the expected impact of the Quaternary depression funnel before the commencement of lignite deposit exploitation. [Naworyta W., Chodak M. 2010: Analyses...],
- outside the deposit area, within the range of a predicted depression funnel are the Suchodół and Brodzkie lakes. These lakes are located within the Brodzkie Lakes Natura 2000 SAC. They are a habitat for valuable species of flora and fauna. In view of above, it is recommended to consider technical protection of these lakes against drainage [Naworyta W., Chodak M., 2010: Analysis...],
- due to the proximity of the Nysa Łużycka valley, it is proposed to build a sealing screen on the river side in all deposits. This will allow to limit the range of a depression funnel and reduce its impact in the zone of the Protected Landscape Area "27 - Nysa Valley" as well as its cross-border impact on German territory. [Kaszelewicz Z, Sypniewski Sz., Zajączkowski M., 2011: Defining...],
- numerous publications point out that in Poland reclamation work in areas affected by lignite mining is carried out at a very high level. The experience already gained may be used in case of new investments. Depending on the course of arrangements with the local authorities, in addition to the already proven methods of agricultural and forestry reclamation, it is possible to apply new courses of action allowing, in some cases, for complete elimination of the effects of former exploitation. [Tajduś A, Czaja P., Kaszelewicz Z., 2011: The role of...].

We agree with authors of the note that in case of cumulative impacts it is a matter of considering the impacts of other projects or plans, and not of accumulating the impacts of several investments of the same type. This is also defined in the Assessment (page 12): "a cumulative action is encountered when a proposed activity can only have an impact on the environment when it co-occurs with other activities operating/planned in the area".

As the Mayor rightly point out, the obligation to include in the environmental impact assessment of the draft document the predicted significant impacts, including cumulative impacts, is set out in Article 51(2)(2)(e) of the Act of 3 October 2008 on sharing information about the environment and its protection, public participation in environmental protection and environmental impact assessment. Pursuant to Article 52(3), the form in which a forecast concerning draft local spatial development plans is to be drawn up may be specified by the minister in charge of construction, spatial management, and housing, in agreement with the minister in charge of the environment and the minister in charge of health. The local spatial development plan (hereinafter referred to as the LSDP), as provided for in Article 7 of the Act of 7 July 1994 on Construction Law (consolidated text, Journal of Laws of 1999, No. 15, item 139, as amended), is a municipal regulation, and therefore constitutes the basis for spatial planning in the municipality. Pursuant to Art. 14 of the Act of 27 March 2003 on spatial planning and development, an LSDP is the act of local law. On the other hand, the Assessment refers to a draft amendment of the voivodship spatial development plan, so it is not covered by the above-mentioned Article 52(3) of EIA Act, and the form of presenting particular issues required by the Act is not specified therein. Table 6 being an integral part of the Assessment contains the required evaluation of nature of potential impact of 4 strategic objectives, 19 operational objectives and 88 directions of spatial policy established in the draft amendment to SDPLV on individual elements of the environment (including Natura 2000 areas), human life and health, as well as material assets and historic monuments within the meaning of Article 51(2)(e) of EIA Act.

"Among the various directions of the impact of opencast mining on the environment, the greatest territorial scope concerns the impact on groundwater. This impact can be divided into two groups: a group of quantitative and qualitative phenomena.

The drainage element is the excavation itself. In addition, special dewatering equipment to prevent water seeping into the excavation lowers the groundwater table. Depression funnels of often considerable radius are formed around drained areas. The dynamics of their development depends on the output of the mine drainage system, geological structure and hydrogeological conditions of the area surrounding the excavation and meteorological factors (mainly precipitation). The phenomenon of depression funnel formation leads to disturbances in the water conditions of the areas expressed in the disappearance of groundwater intakes as well as soil drying, the extent of which, however, depends on the type of surface formations. If the original water table was too low, its change is not significant for plants, whose vegetation is basically based on rainfall management. In order to determine the influence of dewatering of a deposit on the productivity of soils in the area of influence of the open pit mine, soil research is carried out before dewatering and opening the deposit for mining. Loss of municipal and industrial intakes can be relatively easily compensated by mine's water. So far in Polish opencast mining these problems are solved by construction of new, deep intakes. When designing them, the maximum predicted (as a result of using numerical models) lowering of groundwater table for the designed water demand is taken into account. All such works are carried out at the mine's expense. Most of the discharged mine water does not require treatment. The liquids remaining after treatment in the settling ponds meet the required parameters and are discharged into natural reservoirs. The water environment is monitored in order to determine the influence of dewatering of the deposit on the surrounding environment. This monitoring involves systematic observation and measurement of water-bearing horizons in piezometric boreholes and designated wells located in the mining area, as well as flow measurements in natural watercourses and water quality tests.

The contamination of groundwater may be caused by substances leaching from coal waste dumps, ash, and washings in case of development of power industry (connected with the opencast mining). These substances may penetrate the groundwater environment and subsequently appear in the areas where water is used [Libicki J., Impact of...]. In the lignite of the Gubin deposit there are numerous rare, trace and dispersed elements, some of which may cause adverse effects in the environment and human health, whereas they do not reach harmful concentrations there. The examined coal, in radiological terms, will therefore be completely safe during exploitation and storage [Bielewicz B., Selected...]. Ash dumps, on the other hand, should be sealed (with silt) to prevent leachate from the dumpsite seeping into groundwater. All landfills must be monitored for their environmental impact, particularly on surface and groundwater (paper - through a network of piezometers)".

To sum up this issue, the regulations require all new investments to undergo comprehensive analyses of their impact, both at the stage of construction, exploitation and after its termination. However, detailed analyses of the environmental impact are possible only at the stage of investment project presentation, as it is a stage that allows assessing the scope and extent of possible impact on particular environmental components. This is also the case of assessing the impact of a possible opencast lignite mine Gubin and related power plant. The above remarks - as well as the whole Assessment - concern the predicted (potential) impact of the investment on the environment (pursuant to Article 51 of EIA Act).

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