

To the manager of the VIA Service, Dr. Maurice Bartoli to the director of legal affairs
Dr. Andrea Pacchiarotti Province of Pesaro Urbino

Sant'Angelo in Vado 28.01.2023

Subject: Sant'Angelo in Vado agri-voltaic plant Jwvi Development 04 s.r.l. environmental information pursuant to Legislative Decree 195/2005 and comments on the project.

The undersigned citizens with regard to the agrivoltaic plant in question express a request for information pursuant to Legislative Decree 195/2005, regarding compliance with their participation and involvement, as requested by Law 108/2001 which transposes the Aarhus Convention.

In fact, the regulations that regulate the agri-voltaic sector tend to exclude any intervention that would hinder the construction of these systems, which unfortunately can also be achieved with a negative opinion on the landscape of the superintendency.

We wonder if with your verification of non-subjectibility to the EIA for this plant, which although it affects 7 hectares with a total power of 6.1 Mw, how can the following statements, provided for by the Aarhus convention, dedicated to participation be respected:

art. 6 2. The public concerned shall be informed at an early stage of the environmental decision-making process in an appropriate, timely and effective manner, either through public notices or individually. The information concerns in particular:

- a) the proposed activity and the request on which a decision will be taken;
- b) the nature of any decisions or the draft decision;
- c) the public authority responsible for taking the decision;
- d) the procedure envisaged, including (to the extent such information can be provided):
 - i) the starting date of the procedure;
 - ii) the opportunities for participation offered to the public;
 - iii) the date and place of any public hearings envisaged;
 - iv) an indication of the public authority to which it is possible to contact to obtain the relevant information and with which such information has been deposited for examination by the public;
 - v) indication of the public authority or any other official body to which observations and questions may be addressed, as well as the deadlines for their presentation;
 - vi) an indication of the environmental information available on the proposed activity;
- e) subjecting the activity in question to an environmental impact assessment procedure at national or transboundary level.

3. Reasonable deadlines shall be set for the various stages of the public participation procedure, so as to allow sufficient time to inform the public pursuant to paragraph 2 and to allow them to prepare for and effectively participate in the environmental decision-making process.

art. 8

- a) set sufficient deadlines to allow effective participation;
- b) publish legislative proposals or otherwise make them publicly available;
- c) allow the public to comment directly or through representative advisory bodies.

The results of public participation are taken into account to the greatest extent possible.

You will agree with us that except in the publication of the data, all other aspects are neglected also becoming at risk the possible submission of observations since your opinion derives from a presentation of "not subject to V.I.A.".

We therefore ask for answers in this regard.

However, we take the liberty of sending our observations on the location of the plant.

1. failure to apply Legislative Decree 387/2003 art. 12 co. 4 "...carried out in compliance with the principles of simplification and with the methods established by the law of 7 August 1990, n. 241", of which art.7, involvement of the subjects to whom a prejudice could derive.

2. distance from the inhabited center of just over 50 m. There does not appear to be any reference to this aspect

3. distance from the road s.s 73 bis referred to in Presidential Decree 495/1992 for type B roads expected to be 40 m

4. risks of glare from reflection on the panels both for the s.s.73 bis and for the houses and inhabited areas arranged around the system, especially in the summer period.

5. In a large part of the area concerned, Monte Nerone is clearly visible and, although not indicated in the regulatory provisions, the constraint of the same should be considered.

6. The innumerable poles driven into the ground risk connecting the external runoff and consequent leaching with the water table which is subject to constraints.

We therefore ask for answers in this regard within the timescales and methods set forth in the aforementioned standards.

Best regards

Send response to first signer.

Giuseppe Dini (digitally signed)