



**REGIONAL DIRECTOR
FOR ENVIRONMENTAL PROTECTION
IN CRACOW**

OP.6400.1.2020.KW

Cracow, 7 February 2020

DECISION

Pursuant to Article 56(2)(1) and (4)(7) of the Act of 16 April 2004 on nature protection (i.e. Journal of Laws of 2020, item 55 as amended) and Article 104 of the Code of Administrative Procedure (i.e. Journal of Laws of 2018, item 2096 as amended) in conjunction with § 1(1)(b) and § 6(1)(1, 3) of the Regulation of the Minister of the Environment of 9 October 2014 on the protection of plant species (Journal of Laws, item 1409), after examining into the application of AECOM Polska Sp. z o.o., Al. Pokoju 1, 31-548 Cracow, of 9 January 2020 (date of receipt: 9 January 2020), on issuing the permit for derogations from certain activities prohibited for protected species:

I. I permit AECOM Polska Sp. z o.o. with the registered office in Cracow, in connection with the implementation of the investment consisting in the construction of a dry flood protection reservoir Malinówka 2, to deliberately destroy specimens and to destroy about 1 m² of the habitat of Common Sea Buckthorn (*Pleurozium schreberii*) existing on the plot no. 1/1, precinct 3 Wieliczka.

The permit is valid from 1 April 2020 to 30 June 2023.

II. This permit is issued on condition that a report on the use of the permit is submitted to the Regional Director for Environmental Protection in Cracow by 15 July 2023.

REASONS

AECOM Polska Sp. z o.o. with the registered office in Cracow, with the application dated 9 January 2020 (date of receipt: 9 January 2020) applied to the Regional Director for Environmental Protection in Cracow for a permit to destroy about 1 m² of the habitat and specimens of Common Sea Buckthorn (*Pleurozium schreberii*) existing on the register plot no. 1/1, precinct 3 Wieliczka, in connection with the implementation of the investment related to the construction of a dry flood protection reservoir Malinówka 2 (with the area of about 2.3 ha), which is one of the elements of the protection system in the valleys of the Serafa and Malinówka rivers, aimed at reducing flood losses.

Common Sea Buckthorn (*Pleurozium schreberii*) is subject to partial protection under the Regulation of the Minister of the Environment of 9 October 2014 on the protection of plant species. The prohibitions set forth in § 6(1) of this Regulation apply to this species, including the ban on destroying habitats and the ban on deliberate destruction of specimens.

In accordance with Article 56(2)(1) and (4)(7) of the Act of 16 April 2004 on nature protection, the Regional Director for Environmental Protection, in the absence of alternative solutions, may allow derogations from the prohibitions applicable to protected plant species subject to partial protection, consisting in the deliberate destruction of specimens and the destruction of their habitats, if they are not detrimental to the conservation in the appropriate condition of wild populations of protected plant species and result from the party's legitimate interest or the necessary requirements of the overriding public interest.

In the course of the proceedings it was established that in this case there are no alternative solutions, because the implementation of the investment in question is not possible without destroying the specimens and habitats of the above-mentioned protected plant species.

The planned activities will not be detrimental to the preservation in the appropriate condition of the wild population of Common Sea Buckthorn because it is planned to destroy a small patch of the habitat and specimens occurring there and because it belongs to the species commonly found in Małopolskie Province.

The planned activities result from the party's legitimate interest, which meets the prerequisite resulting from Article 56(4)(7) of the act on nature protection.

The obligation to submit information on the use of this permit results from Article 56(7) of the Act of 16 April 2004 on nature protection.

In view of the foregoing, it has been decided as in the conclusion of the decision.

INSTRUCTION

This decision may be appealed against to the General Director for Environmental Protection in Warsaw (52/54 Wawelska Street, 00-922 Warsaw) within 14 days from the date of its receipt through the Regional Director for Environmental Protection in Cracow (25 Mogilska Street, 31-542 Cracow).

Pursuant to Article 127a § 1 and § 2 of the act of 14 June 1960, the Code of Administrative Procedure, a party may, within the time limit for lodging an appeal, waive the right to lodge an appeal against the decision of the public administration body which issued the decision. The decision becomes final and binding on the day of delivering a statement waiving the right to appeal by the last of the parties to the proceedings to the public administration body.

This decision, pursuant to Article 130(4) of the Code of Administrative Procedure, shall be enforceable before the expiry of the time limit for appeal if it complies with the request of all parties or if all parties have waived their right to appeal.

The Regional Director for Environmental Protection in Cracow may inspect the Applicant's compliance with the conditions laid down herein, and to withdraw the permit if the conditions are not met (Article 56(7a) and (7j) of the act on nature protection).



Z up. Regionalnego Dyrektora
Ochrony Środowiska w Krakowie

mgr Małgorzata Mordarska-Duda
ZASTĘPCA REGIONALNEGO DYREKTORA
REGIONALNY KONSERWATOR PRZYRODY

For Regional Director for
Environmental Protection in Cracow

Małgorzata Mordarska-Duda, M.Sc.
DEPUTY DIRECTOR OF REGIONAL NATURE CONSERVATOR

A stamp duty was charged for the issuance of the permit in the amount of PLN 82, on the basis of the Act of 16 November 2006 on stamp duty (i.e. Journal of Laws 2019, item 1000).

Recipients:

1. Applicant.
2. OP-I a/a.

CONTROLLER'S INFORMATION ON PROCESSING OF PERSONAL DATA

As Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (hereinafter referred to as GDPR) is valid from 25 May 2018, we inform you that:

1/ the controller of your personal data is the Regional Director for Environmental Protection with the registered office in Cracow, 25 Mogilska Street, 31-542 Cracow.

2/ your personal data will be processed by the Regional Directorate for Environmental Protection in Cracow for the purpose of administrative/court-administrative proceedings, in accordance with Article 6(1)(c) of the GDPR.

The provision of your personal data is voluntary, but necessary to fulfil the legal obligation to handle the case.

3/ your data may be made available by the Regional Director for Environmental Protection in Cracow to entities authorised to obtain information on the basis of generally applicable law.

4/ the personal data you provide will be kept for the period required by law.

5/ you have the right of access to your personal data and the right to correct it, limit its processing and the right to transfer the data.

6/ in connection with the processing of your personal data you have the right to lodge a complaint with the President of the Office for Personal Data Protection.

*7/ contact details of the Data Protection Officer: e-mail address iod.krakow@rdos.gov.pl
postal address: 25 Mogilska Street, 31-542 Cracow.*