

PERMIT no. 988/17

of the Municipal Heritage Conservator

for performance of conservatory works and reinstatement works at heritage being parks entered to the register of heritage or other type of organized greenery entered into the register of heritage

Based upon Article 36 (1) item 11, Article 89 (2) and Article 91 (4) item 4 of the Act of 23 July 2003 on the protection of heritage and care about heritage (i.e. OJ of 2014, item 1446, as amended), due to Article 83 (1a), Article 83-83f, Article 84-86 of the Act of 16 April 2004 on the protection of nature (i.e. OJ of 2016, item 2134, as amended), Article 104 (1) of the Act of 14 June 1960 on the Administrative Proceeding Code (i.e. OJ of 2017, item 1257), due to Article 18 of the Regulation of the Minister of Cultural and National Heritage of 28 June 2017 on the performance of conservatory works, reinstatement works, and conservatory surveys at heritage entered into the register of heritage or into the List of Heritage Treasure, and on the construction works, architectonic surveys and other actions done at the heritage entered into the register of heritage, and also on the archaeological research and heritage search (OJ of 2017, item 1265), and Article 1 (2) letter e) of the agreement between the Lesser Poland Voivod and the Municipality of Cracow dated 11 May 2010 on entrusting the proceeding for some cases relevant for the Lesser Poland Heritage Conservator (OJ of the Lesser Poland Voivodship Office of 2010, no. 283, item 1887, and of 2013, item 6679).

After considering the application of 09/22/2017 (received on 09/26/2017) the Lesser Poland Board of Amelioration and Water Structures in Cracow, 73. Szlak Street, 31-153 Cracow, acting through a proxy, Mr. Dariusz Adamek, Sweco Engineering Sp. z o.o., 30. Wielicka Street, 30-552 Cracow, on the issuance of a permit for removal of 3 trees growing within the embankment body at for 50a "Lasówka", which is entered into the register of heritage under number A-973 based upon a decision dated 04/01/1994, the applicant

is permitted

to remove 2 trees (trunk perimeter measured at 130 cm, numbering according to the attached summary):

564. Black locust with trunk perimeter of 210 cm

587, 588. Field elm with trunk perimeter of 50 and 68 cm

based upon establishments made under conservatory committee's memo dated 10/16/2017, which forms an integral part of this decision.

This permit is issued while imposing an obligation to observe the following conditions:

1. The works associated with logging shall be done **beyond the hatching period**, i.e. from 16 October until the end of February.

2. In order to compensate the removed plants, one shall plant three black locusts as a supplementation for the line of trees along Golikówka Street (between the European ash and the black locust), which is a masking element for the parallel road reaching Fort 50a "Lasówka".
3. Planted locusts shall have root system developed, straight trunks with minimum perimeter of 16-18 cm, properly developed crowns and other parameters in accordance with standards applied by ornamental plant nursery.
4. The deadline for replacement planting is until the end of 2019.
5. One shall notify the Office of Municipal Heritage Conservation of the COC about fulfilling the condition related to replacement planting within 14 days from its completion.
6. **The permit is valid until 12/30/2019.**

JUSTIFICATION

The removal of aforementioned trees is associated with the development of necessary sealing membrane, rising of the embankment crest, and development of a pedestrian and bicycle route. The design has been corrected in accordance with guidelines given in the MHC opinion dated 07/06/2017. Locust no. 564 is in bad phytosanitary condition. Dead parts form almost 50% of the crown and the tree is dying from the top. There are numerous offshoots and cancerated parts on the trunk. The tree is dying and there is no possibility to improve its phytosanitary condition. The locust grows on the embankment slope. Elms no. 587 and 588 are double-trunk trees in good health, with V-shape fork at a height of about 1 m. It is a young specimen, self-seeded, and it is not associated with historic composition. The elm grows on the embankment crest and correction of the path route to bypass the tree would result in damaging of earth forms of the fort and in significant deterioration of habitat conditions for elm no. 579 with a trunk perimeter of 205 cm. The designed path runs exactly at the course of the existing embankment and it slightly increases its crest, but development of the sealing membrane would damage the root system of elm no. 587, 588, and it is therefore necessary to remove the tree.

The removal of aforementioned trees is permitted from the conservatory point of view and in accordance with provisions of the Act on the protection of heritage and care about heritage (OJ of 2015, item 1446, as amended).

The occurrence of protected species of fungi, plants and animals within trunks, crowns and root systems was not identified during the inspection in case of plants to be removed (Article 83c (2) of the Act on conservation of nature).

INSTRUCTION

- I. The Municipal Heritage Conservator – based upon Article 47 of the Act of 23 July 2003 on the protection of heritage and care about heritage – may resume the proceedings on the issued permit, and subsequently adjust or withdraw it through a decision, if during the construction process new facts and circumstances would occur, which may lead to damaging or destructing of heritage.
- II. The Municipal Heritage Conservator in Cracow – based upon Article 43 of the Act of 23 July 2003 on the protection of heritage and care about heritage – issues a decision stopping the works

after identifying that those works are performed in a way not corresponding with the scope and conditions determined in the permit or that they are performed incorrectly.

- III. Identifying that the works were performed in a way not corresponding with the scope and conditions or that they were performed incorrectly results in issuing – based upon Article 45 of the Act of 23 July 2003 on the protection of heritage and care about heritage – a decision by the Municipal Heritage Conservator in Cracow, which:
 1. Orders restoration of heritage to the best possible condition or clearance of the site within the determined deadline; or
 2. Obliges to reinstate heritage to the best possible conditions in a determined way and within the established deadline.
- IV. A person violating the provisions related to heritage or who violated the scope and conditions determined under the permit is obliged to perform the actions ordered in the decision on its own cost.
- V. One may appeal against this decision – based upon Article 127 and Article 129 of the Act on Administrative Proceeding Code – to the Minister of Culture – General Heritage Conservator, 15/17. Krakowskie Przedmieście, 00-071 Warsaw, through the Municipal Heritage Conservator (24. Kanoniczna Street, 31-002 Cracow) within 14 days from receiving the decision.
- VI. The parties may relinquish the right to appeal through provision of statement to the unit conducting the proceedings. The decision becomes final and legally binding after provision of such a statement by the last of the parties.

This permit **is not subject to** administrative fee based upon the Act of 16 November 2006 on the administrative fee (uniformed text: OJ of 2016, item 1827, as amended).

pp. CITY MAYOR

Jerzy Zbiegień

Municipal Heritage Conservator

Recipients:

1. Dariusz Adamek, Sweco Engineering Sp. z o.o., 30. Wielicka Street, 30-552 Cracow + appendices;
2. 2 x File + appendices.

CC:

3. Board of Communal Building in Cracow, 16. B. Czerwieńskiego Street, 31-828 Cracow + appendices;
4. Lesser Poland Provincial Heritage Conservator, 24. Kanoniczna Street, 31-002 Cracow + appendices.