

Environmental and Social Data Sheet

Overview

Project Name:	S6 TRI-CITY RING ROAD PPP
Project Number:	20190829
Country:	Poland
Project Description:	Design, Construction, Financing, Operation and Maintenance of the beltway around the metropolitan area of three Polish cities - Gdansk, Gdynia and Sopot (Tri-City). The project is to be procured through an availability-based PPP model for a period of 30 years, including construction.
EIA required:	yes
Project included in Carbon Footprint Exercise ¹ :	yes

Environmental and Social Assessment

Environmental Assessment

The Project concerns construction of an approximately 31 km long section of a new 2x2 lanes S6 expressway and new construction of an approximately 7 km long bypass of Zukowo town. The project alignment runs west of the existing Tri-City bypass in parallel to the national road DK20 and is a continuation of the S6 route in the south direction. It starts at the Chwaszczyno junction, where it connects to the new S6 expressway section "Bozepole - Tri-City bypass" (another EIB supported project, SERAPIS 20190047) and ends at the Gdansk Poludnie junction, where it merges with A1 motorway and S7 expressway. At km 18, the alignment crosses the new Zukowo bypass, which is another Project component, aimed at improving the connection between the national roads DK20 and DK7 and bypassing the town.

The project sections are included in the National Road Construction Program 2014-2023, which was subject to a Strategic Environmental Assessment in 2015. The project falls under Annex I of EIA Directive 2011/92/EU, as amended, requiring a full EIA.

Obtaining the environmental permit has been rather lengthy because of several appeals raised against different decisions. The EIA report was elaborated by June 2013 and on 2 December 2014, the competent authority, i.e. Regional Director for Environmental Protection (RDOS) in Gdansk, issued a positive Environmental Decision (ED) for the construction of the Tri-City and Zukowo bypasses. The ED was appealed by several entities, including Kolbudy Commune, NGOs and individuals as well as the developer – GDDKiA itself.

The superior instance, i.e. General Director for Environmental Protection (GDOŚ), on 15 January 2016 issued a decision partially changing the RDOS decision by recognizing part of

¹ Only projects that meet the scope of the Carbon Footprint Exercise, as defined in the EIB Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: 20,000 tonnes CO₂e/year absolute (gross) or 20,000 tonnes CO₂e/year relative (net) – both increases and savings.

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GDDKiA's appeal while sustaining the ED in the majority of its scope. Complaints regarding GDOS's decision were raised by several complainants, but these were rejected by GDOS's letter dated 29 April 2016, in which the initial opinion was maintained and substantiated.

The case was subjected to the Voivodeship Administrative Court (VAC), which on 19 October 2016 issued a verdict revoking the decision of GDOS from 15 January 2016. In the opinion of the Court, GDOS did not properly examine the case or explain sufficiently why, in its opinion, the RDOS decision was correct and acceptable. It was pointed out that the appeal body would have to re-examine the case, both in general - regarding the admissibility of the planned investment, and in matters raised in the appeals against decisions of the first instance, in particular regarding the chosen investment option and its impact on people and the environment.

On 22 December 2016, GDOS lodged a cassation complaint against the decision of the VAC and on 10 October 2017 the Supreme Administrative Court (SAC) set aside the judgment and referred the case for re-examination back to the VAC. After re-examination on 27 February 2018, the VAC dismissed the complaints of the Kolbudy Commune and individuals against the GDOS decision of 15 January 2016. In May and June 2018 Kolbudy Commune, individuals and GDDKiA lodged a complaint against the judgment of VAC. In its judgment on 26 November 2018, the SAC dismissed the complaints and the environmental decision became final. The validity of the decision was confirmed by RDOS on 9 September 2019 and it will be valid until 15 January 2026.

A Supplemental EIA will be elaborated after the design, and before the construction permit application. The SEIA decisions and construction permit (ZRID) will be reviewed by the Bank at the Stage II appraisal and will be conditional for disbursement of the loan.

Concerning the Habitats Directive (92/43/EEC), the project does not cross or border any Natura 2000 areas. The nearest sites - PLH 220011 Jar Rzeki Raduni and PLH 220008 Dolina Reknicy are respectively 0.65 km and 3.3 km away from the road alignment. In its decision issued on 21 January 2015, the competent authority (RDOS Gdansk) has stated that, taking into account both the distance and the likely impact of the investment, there is no likelihood of significant negative impact on the habitats for which the sites have been designated. The implementation of the project does not disrupt the integrity of the individual Natura 2000 sites or Natura 2000 as a whole.

Overall, the EIA procedures and public consultations, including analysis of variant solutions, assessment of impacts along with mitigating measures and environmental monitoring needs have been examined and procedures have been carried out in accordance with the EU EIA Directive requirements. Although the new road on most of its length will be parallel to the existing national road, a number of negative impacts will be associated with the new development. These impacts are varied and include sub-urban, agriculture and forest land conversion, noise and vibration, visual intrusion and severance of communities and habitats. The Environmental Decision specifies a range of mitigating measures. The measures include installation of acoustic screens, animal passes, drainage and wastewater treatment systems, re-planting of greenery, fencing, installing of antiglare screens, various restrictions on working hours and practices and requirements for regular monitoring.

A Climate change impact assessment was part of the tasks carried out during the analysis. The identified risks with the most significant probability and impact are related to flooding and snow loading. Most of the other risks are rated as low and medium and are related to temperature increase, precipitation increase and strong winds. The Promoter has incorporated the findings and recommendations from the EIA into the project design requirements by applying best practice and relevant design standards. The design is to be

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adapted to the foreseeable climate change impacts and therefore the project is not expected to possess high risks related to climate change.

EIB Carbon Footprint Exercise

The Project is included in the Carbon Footprint exercise on the following basis:

- Estimated annual emissions of project in a standard year of operation:
 - Forecast absolute (gross) emissions are 264,483 tonnes of CO₂ equivalent per year;
 - Forecast emission savings are 3,320 tonnes of CO₂ equivalent per year.
- The Project boundaries are:
 - In the base case: the existing inner bypass route and national roads DK20 between Chwaszczyno junction and Zukowo and DK 7 between Zukowo and inner bypass;
 - In the “with project” case: the new Tri-City bypass and Zukowo bypass routes in addition to the existing inner bypass and national roads DK20 and DK7 sections accounted for the base case.

The baseline is the forecast third party emission, in the absence of the project, from the existing network, only within the boundary defined above. The forecasts reflect the Services' assumptions on traffic, traffic growth, speed/flow, infrastructure capacity and fuel consumption.

For the annual accounting purposes of the EIB Carbon Footprint, the project emissions will be prorated according to the EIB lending amount signed in that year, as a proportion of project cost.

Social Assessment, where applicable

Resettlement process was not started at a time of appraisal and the precise number of plots will be known only after the detailed design is completed. According to the concept design, it is estimated that approximately 950 plots, including 680 in private ownership, might be necessary. Land expropriation will be possible after issuing a construction permit (ZRID), therefore a certain risk of dissatisfaction may not be excluded until the process is completed. Experience shows that such risk may be minimised by applying well planned expropriation procedures involving professional staff and fair compensation for the expropriated property. This includes information to the owners about resettlement timing, based on real needs, and provision of a works calendar.

Inhabitants and drivers will benefit from improvements in traffic safety conditions. For people living alongside the currently heavily used roads crossing the communities, the project will provide for improvement in living conditions. This will be possible due to the diversion of transit traffic from the congested roads and distributing it between the existing inner bypass and the new expressway and increasing road infrastructure capacity and service levels. The traffic safety situation will be improved due to the closing of open access to the expressway, constructing grade separated interchanges and providing emergency lanes. Road safety audits shall be elaborated at various stages of the design process and, in accordance with the requirements of the EU and Polish legislation shall be performed also at pre-commissioning phase.

Public Consultation and Stakeholder Engagement

Extensive public consultation and stakeholder engagement during the different SEA and EIA phases related to the project has been organized in compliance with the requirements of the applicable legal framework. Prior to public consultation meetings, information was made

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available through publication in local media and posting on information boards and webpages of the municipalities impacted by the development. The proposals and recommendations received during the consultations were properly dealt with before issuing the environmental decision, defining the technical requirements for the design. Although certain decisions have been appealed during the EIA decision stage, the Promoter doesn't foresee particular risk of further delays because of the potential public dissatisfaction. However, it cannot be excluded that appeals will be raised again during the Supplemental EIA process and after issuing the construction permit. There are proper legal instruments foreseen in the legislation on how this process shall be managed in Poland. Prior to disbursement, the Bank will review the situation regarding the SEIA decisions and issuing of the construction permit(s).

Conclusions and Recommendations

The Project is included in the National Road Construction Program 2014-2023 which was subject to a Strategic Environmental Assessment in 2015.

The Project falls under Annex I of EIA Directive 2011/92/EU, as amended, requiring a full EIA. The EIA procedures, including the issuing of Environmental Decision by the competent authority (GDOS) are completed. Project design, drafting of Supplementary EIA, issuing of SEIA decision and construction permits were not started at the time of appraisal.

So far, the project procedures comply with applicable EU and Polish social and environmental legislation. The Bank will request the Borrower to submit a copy of the SEIA and construction permit (ZRID) decisions prior to the loan disbursement.