

Warsaw, 27 May 2008

## VOIVODE OF THE MASOVIAN VOIVODESHIP

WŚR.I.SM.6613/1/105/07

### DECISION

#### ON ENVIRONMENTAL CONSIDERATIONS OF THE CONSENT TO IMPLEMENT THE PROJECT

Pursuant to Art. 104, Article 108 of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2000, No. 98, item 1071 as amended) hereinafter the CAP and Art. 46, section 1 item 1, Article 46a section 7 item 1, let. at the Act of 27 April 2001 on Environmental Protection Law (Journal of Laws of 2008, no 25, item 150 as amended) – hereinafter the EPL, upon consideration of the application of the General Directorate for National Roads and Motorways, Warsaw Office, 25 Mińska Street, 03-808 Warsaw of 15 November 2007, ref.: GDDKiA-O/WA-P.2.1.d/400/650/2007 on the decision on environmental considerations of the consent to implement the undertaking comprising the extension of National Road No. 7 to the parameters of expressway at the section from the end of the planned Radom ring road to the border of the Masovian Voivodeship.

#### **I hereby determine**

the following environmental conditions of the consent to implement the undertaking according to variant  
V3

#### **I. Project type and location**

The planned undertaking consists in the extension of National Road No. 7 to the parameters of expressway from the end of the planned Radom ring road to the border of the Masovian Voivodeship.

The investment is situated in the Masovian Voivodeship in the communes of Orońsko, Szydłowiec and Jastrząb.

The description of the undertaking is attached as Attachment No. 1 to this Decision.

#### **II. Conditions for the use of land at the implementation and operation stages, taking particular account of the need to protect precious environmental values, natural resources and historic buildings and to reduce the impact on the neighbouring areas.**

1. The construction site and back-up facilities are to be organized and technical roads marked out in a manner ensuring economical use of the land and minimal transformation of its surface and, upon completion of work, the land is to be restored to its previous condition. Works are to be organized so as to minimize the amount of generated construction waste.

2. Access roads for the construction site are to be marked out based on the existing network of transport routes.
3. If possible, construction back-up facilities and material and equipment bases shall be situated outside:
  - immediate proximity of residential neighbourhoods,
  - wetlands, valleys of rivers and streams,
  - area of main groundwater reservoirs,
  - areas of outcroppings of Jurassic and Cretaceous rocks.
4. Machinery and vehicle parks are to be secured so as to prevent polluting water and land with petroleum derivatives.
5. Waste shall be sorted and stored in a separated location in applicable containers and its regular collection by authorised entities shall be ensured. Hazardous waste arising during construction works must be segregated and separated from neutral waste and transported to specialised waste management companies.
6. The construction site back-up facilities must be equipped with tight sanitary facilities, the contents of which will be systematically removed by authorised entities and transported to the nearest sewage treatment plant.
7. Special care shall be taken during construction works near rivers and watercourse which should be secured against filling and contamination with chemical substances.
8. Tree and shrub clearance shall be reduced to the necessary minimum. Trees located on the construction site that are not intended for clearance will be protected against mechanical damage.
9. Any works connected with vegetation cutting must be carried out before or after the bird nesting season (from the beginning of March until the end of August).
10. Losses of greenery shall be supplemented with new plantations, taking into account habitat and technical conditions, indications associated with the landscaping and the protection of monuments, as well as safety requirements.
11. Heavy construction works performed in the vicinity of areas under noise protection must be performed only between 6 a.m. and 10 p.m. If possible, equipment emitting high-intensity noise should not work simultaneously.
12. The soil layer removed from the work strip must be properly deposited and re-used for land reclamation after the completion of work.
13. Do not induce changes or limit the flow size in surface and groundwater streams and changes in the direction and velocity of water flow.
14. Before the beginning of earthworks necessary archaeological excavations will be carried out and all earthworks will be performed under constant archaeological supervision.

**III. Requirements pertaining to environmental protection necessary for consideration in the construction design.**

1. Construction of acoustic screens to protect sensitive areas against noise:
  - from approx. km 485.2 to approx. km 486.1 on the western side of the road,
  - from approx. km 486.4 to approx. km 488.2 on the western side of the road,
  - from approx. km 489.7 to approx. km 490.6 on the western side of the road,
  - from approx. km 492.5 to approx. km 493.0 on the western side of the road,
  - from approx. km 493.0 to approx. km 493.6 on the eastern side of the road,

- from approx. km 494.0 to approx. km 494.5 on the western side of the road,
  - from approx. km 496.3 to approx. km 497.3 on the western side of the road,
  - from approx. km 498.2 to approx. km 504.9 on the western side of the road,
  - from approx. km 498.5 to approx. km 499.0 on the eastern side of the road,
  - from approx. km 499.5 to approx. km 500.6 on the eastern side of the road,
  - from approx. km 501.3 to approx. km 502.0 on the eastern side of the road,
  - from approx. km 503.6 to approx. km 504.6 on the eastern side of the road.
2. From approx. km 499+800 to approx. km 501+800 the route shall run in an excavation of 6 m in depth in the area of Jastrzębska Street and 3 m in depth in the area of Kolejowa Street.
  3. If transparent screens are used they should be overprinted with stripes.
  4. The drainage of stormwater from the road to roadside grass-covered infiltration ditches and sealed ditches or rainwater sewerages.
  5. Using a tight drainage system where the road runs through valleys of watercourse, wetlands, zones of indirect protection of groundwater intakes and on bridges and junctions.
  6. At the outlets from the drainage system to ditches, watercourses, retention reservoirs sedimentation and floating pre-treatment devices, such as air-trapped sediment traps and desanders should be used.
  7. Inflow shut-off (e.g. gates or sluices at sealed sections of ditches) securing the receiving bodies against contamination by hazardous substances shall be installed at the outlets of the drainage systems to the Oronka and Szabasówka rivers.
  8. Retention reservoirs to be used:
    - at approx. km 486+800 at the Oronka valley on both sides of the road,
    - at approx. km 490+400 at the Oronka valley on the right side of the road,
    - at approx. km 492+120 at the Szabasówka valley on both sides of the road.
  8. The following crossings for animals shall be executed:
    - at approx. km 486+970 a lower crossing under a three-span facility with the passage width of at least 10 m and height of at least 3.5 m,
    - at approx. km 492+200 a lower passage of at least 4.5 m in height and 15 m in width,
    - at approx. km 506 a lower passage under the flyover of at least 4.5 m in height and 30 m in width.

Sections of the road near crossings for large animals shall be fenced with a net (2.0–2.5 m in height, variable mesh size) at the length of approx. 200–300 m on both sides.

9. The existing culverts under the road shall be adjusted to the function of crossings for small animals, including amphibians (height 1 m, width 1.5 m). In culverts integrated with watercourses shelves for animals of at least 0.5 m in width elevated above the water level in the culvert shall be installed at least on one side.
10. Crossings for animals shall be covered with vegetation.
11. Planting new greenery or providing thickening greenery including trees and shrubs supplementing the losses of greenery caused by the construction of the road. The selection of species for the insulation greenery shall be performed on the basis of the plant's resistance to air contamination, drought and low soil salination. Take into account habitat and technical conditions, indications associated with the landscaping and the protection of monuments, as well as safety requirements. The greenery shall have a dense, multilayer structure. The vegetation shall include mostly trees and bushes with compact,

dense crowns and large leaves (which have a significant role in stopping air pollutants), resistant to drought and frost, with low soil requirements and adapted to the light conditions on the planting site.

#### **IV. Additional obligations of the Applicant.**

The project requires preparing a post-implementation analysis as regards evaluation of the effectiveness of the solutions that are to protect residential housing areas against noise emission. The analysis must be carried out within 1 year of the facility commissioning date and submitted within 18 months of the facility commissioning date. In the case that acceptable values of the noise level have been exceeded, adequate acoustic protection measures must be implemented. If environmental quality standards cannot be met, measures aimed at creating a limited use area must be taken.

#### **V. I hereby make this decision immediately enforceable.**

### **SUBSTANTIATION**

The General Directorate for National Roads and Motorways, Warsaw Office, 25 Mińska Street, 03-808 Warsaw with an application of 15 November 2007, ref.: GDDKiA-O/WA-P.2.1.d/400/650/2007 asked the Voivode of the Masovian Voivodeship to issue a decision on environmental considerations of the consent to implement the undertaking comprising the extension of National Road No. 7 to the parameters of expressway at the section from the end of the planned Radom ring road to the border of the Masovian Voivodeship.

Pursuant to article 48, section 1 of the EPL act the Voivode of the Masovian Voivodeship conducted proceedings on the matter of assessing the impact of the undertaking on the environment, with consideration of the principle of priority of community law and the responsibility of pro-community interpretation of the regulations of national law, that is, the EPL act:

#### **1. Appraised the following documents:**

- An application to issue a decision on environmental conditions of the consent to implement the undertaking.

- The report on environmental impact of the planned road undertaking consisting in the extension of National Road No. 7 to the parameters of expressway from the end of the planned Radom ring road to the border of the Masovian Voivodeship.

- Copies of reference maps.

The EIA Report is consistent with Article 52 of the ELP and requirements specified in EU legislation.

The investment is situated in the Masovian Voivodeship, Szydłowiecki Powiat, within the border of Orońsko and Szydłowiec communes, and it consists in extending National Road No. 7 from the end of the Radom ring road to the border of the Masovian Voivodeship. The current National Road No. 7 is a single-carriageway road of 2 x 3.5 m in width.

The environmental impact report analysed a zero variant and investment variants along with subvariants.

Variant 0 abandoning the project was rejected. Leaving the road in its current condition would be associated with a constant increase in vehicular traffic and gradual deterioration of the existing road

system. It would be accompanied by increased emission of exhaust gas, noise and vibrations, as well as increased risk of contaminating surface water with stormwater runoff from the road. This would negatively affect the living conditions and the environment.

Variant 1 starts at approx. km 485+600 as a continuation of the road from the planned Radom ring road ending with the Młodocin Junction. In this variant it is planned to extend the road by a second carriageway and build collector roads. The Orońsko Junction in Orońsko at the crossing with Poviast Road No. 34488 is planned. The Chustki ring road with the Chustki Junction at its initial section is also planned. At the section of the existing Szydłowiec ring road at its crossing with Voivodeship Road No. 727 the Szydłowiec Junction will be situated. In this variant of the Szydłowiec ring road the route runs along a new line behind the Chustki ring road bypassing Szydłówek and joins the existing course of the ring road at the level of Kolejowa Street next to the heat-generating plant.

Variant 1a is a subvariant of Variant 1. It assumes routing the road along the existing line on the entire length of this section (without the Chustki and Skarżysko Książęce ring roads). The route length in this variant is approx. 27.37 km.

Variant 3 assumes routing the road along an entirely new line, bypassing all towns located at this section along the existing road, from the Młodocin Junction to the Szydłowiec Junction. In this variant it is necessary to correct the solution of the Młodocin Junction so far planned as the end of the Radom ring road. At the section of the Szydłowiec ring road the route runs according to Variant 1.

Variants 3a and 3b are additional subvariants of the Szydłowiec ring road along a new route at the initial section. Such a route bypasses Szydłówek and joins the existing ring road at the level of Kolejowa Street near the heat-generating plant. A junction at the crossing with Voivodeship Road No. 727 is situated in a new location and the junction will be connected with Szydłowiec through the existing section of the voivodeship road.

Finally, it was decided to execute the road in Variant 3. This is the most environmentally and socially beneficial variant. It runs through the lowest number of housing estates and requires a smaller number of acoustic screens. Moreover, after building the road in Variant 3 on the old route of the S7 traffic on the Orońsko–Szydłowiec section will greatly decrease, which in consequence will lead to an improvement in the acoustic climate as compared to the existing one. This variant does not collide with the groundwater intake for Szydłowiec or monuments listed in the register of historic monuments.

In order to minimise the impact of the project on the environment the conclusion of the decision defines:

- 1) conditions for the use of the land at the implementation and operational stages, taking particular account of the need to protect precious environmental values and natural resources and to reduce the effect on the neighbouring areas (item II in the conclusion to the decision);
- 2) environmental protection requirements to be included in the construction design (item III in the conclusion to the decision);
- 3) additional requirements (item VI in the conclusion to the decision).

Ad. 1), 2)

According to the recommendations, whose purpose is to reduce the negative environmental impact, construction works will be conducted in a manner ensuring optimal use of land and minimum transformation of its surface. Access roads for the construction site are to be marked out based on the existing network of transport routes. Construction back-up facilities will be organised outside the direct vicinity of residential developments, wetlands, valleys of rivers and streams, areas of main groundwater reservoirs and areas of outcroppings of Jurassic and Cretaceous rocks. After completion of the construction works, the area will be remediated and restored to its previous condition.

Construction waste should be sorted and stored at allocated locations in containers, and its regular collection by authorised entities should be ensured. Hazardous waste arising during construction works

must be segregated and separated from neutral waste and transported to specialised waste management companies. Site facilities will be equipped with sanitary facilities, whose contents will be systematically removed by authorised entities. Machinery and vehicle parks are to be secured so as to prevent polluting water and land with petroleum derivatives.

As a result of the undertaking performance it will be necessary to remove a layer of humus from the belt intended for the body of the road. The surface layer of organic soil will be properly deposited and re-used after the completion of construction, e.g. to shape the banks of embankments.

Construction of the road will involve an increased noise level from the operation of construction equipment and other devices (e.g. during tree clearance). The noise will be of local coverage yet its intensity may be high. Construction works within the nearest protected areas will be carried out only during the day (6 a.m. – 10 p.m.). As far as possible, devices emitting high levels of noise will not be operated concurrently. The nuisance related to the construction of the road will have a medium-term impact lasting until the construction works are completed.

The planned road runs mostly through agricultural land, however, there are residential developments in the vicinity of the planned investment (in the area of the Szydłowiec I Junction at the crossing with Voivodeship Road No. 727). Calculations show that in the closest area under acoustic protection the permissible level of noise emitted by vehicular traffic will be exceeded. To reduce the nuisance it is planned to build acoustic screens and route the road in an excavation of 6 m in depth in the area of Jastrzębska Street and 3 m in depth in the area of Kolejowa Street.

These measures of acoustic protection will prevent noise emission from exceeding the permissible level.

The investment may be related with nuisance involving the emission of air pollutants produced in the process of fuel combustion in the combustion engines of lorries and other vehicles used for construction works (e.g. excavators, loaders and bulldozers). In addition, dust formation may occur during earthworks (excavations, embankments). The range of its impact will be limited to the nearest surroundings. The emission of pollutants during the implementation of the investment will be medium-term and the related nuisance will cease once the construction works are completed.

The calculations for 2013, 2020 and 2025 show that during the road's operation the permissible concentrations of contaminants emitted to the air will not be exceeded.

The planned investment runs through areas of main groundwater reservoirs GZWP No. 413 Szydłowiec and GZWP No. 412 Goszczewice. These are reservoirs of poor insulation of water from the land surface. At the discussed area groundwater is the only source of water for people and agriculture. It is abstracted through several intakes located outside the direct vicinity of the reconstructed road. To protect the groundwater, construction sites and their back-up facilities will be located outside the area of the groundwater reservoirs. Moreover, a tight road drainage system will be used at the section of the road running through the area of the groundwater reservoirs.

The planned investment is located in the river basin of the Radomka and Kamienna rivers and in the catchment basins of the Oronka, Szabasówka, Korzeniówka and Oleśnica. The environment can be described as sensitive. In the area of water crossings, including over the Oronka and Szabasówka rivers there is a potential risk to water in the watercourses, and in consequence contamination of nearby fish ponds with rainwater run-off from the road.

The stormwater from the road will be drained to roadside grass-covered infiltration ditches and sealed ditches or rainwater sewerages. Where the road runs through valleys of watercourses, wetlands, zones of indirect protection of groundwater intakes and on bridges and junctions a tight drainage system will be used. At the outlets from the drainage system to ditches, watercourses, retention reservoirs sedimentation and floating pre-treatment devices, such as air-trapped sediment traps and desanders will be used. Inflow shut-off (e.g. gates or sluices at sealed sections of ditches) securing the receiving bodies against contamination with hazardous substances will be installed at the outlets of the drainage systems to the Oronka and Szabasówka rivers.

With regard to sewage management, the construction of the road with simultaneous construction of a stormwater drainage system and stormwater pre-treatment devices, as well as their proper use, will allow proper conditions of stormwater and meltwater drainage to receiving bodies to be ensured, and thus there will be no negative impact on surface water and nor to the ground and water environment.

Construction works will be performed in a manner preventing changes and reduction of the flow size in surface and groundwater streams and changes in the direction and velocity of water flow. Works in the area of rivers and watercourses will be conducted with special care. Watercourses will be secured against filling and contamination with chemical substances.

The planned investment does not cross areas protected within the Act on Environmental Protection, including areas of Natura 2000. Protected areas are situated at a significant distance from the undertaking and include: the area of Natura 2000 Suchedniów Forests PLH260010 situated at a distance of approx. 8 km south from the borderline of the undertaking, separated from the planned investment by the city of Skarżysko-Kamienna; the Koneck-Łopuszno Protected Landscape Area is situated at a distance of approx. 3–3.5 km to the south west from the borderline of the undertaking; the Przysucha-Szydłowiec Forests, Protected Landscape Area, situated approx. 3 km west from the road. It includes 4 nature reserves: Puszcza u źródeł Radomki, Cis A, Cis B, Podlesie and the Suchedniów-Oblęgorek Landscape Park situated at a distance of approx. 7 km from the planned investment. Due to the significant distance, these protected areas will not be exposed to negative impact related with the extension of National Road No. 7.

Within the analysed area and on adjacent land there are no protected communities or species of plants, nor are there nature monuments.

The performance of the undertaking requires clearance of vegetation colliding with the planned road. It will be reduced to the necessary minimum, whereas trees located on the construction site that are not intended for clearance will be protected against mechanical damage. The clearance of trees will be performed outside the bird nesting season. Losses of greenery will be supplemented with new plantings, taking into account habitat and technical conditions, indications associated with the landscaping and the protection of monuments, as well as safety requirements. The greenery will have a dense, multilayer structure, which will promote its protective and insulating function. The vegetation shall include mostly trees and bushes with compact, dense crowns and large leaves (which have a significant role in stopping air pollutants), resistant to drought and frost, with low soil requirements and adapted to the light conditions on the planting site.

According to the concept of the National Ecologic Network ECONET Poland, part of the Przysucha-Szydłowiec Forests within the borderlines of the Masovian Voivodeship is situated in an ecological corridor of national importance, connecting two nodal areas of international importance – the Pilica Forest and Świętokrzyskie Mountains. In the CORINE programme the Przysucha-Szydłowiec Forests were indicated as a refuge of European importance. The planned investment crosses one of the branches of the Southern Central Corridor between Szydłowiec and the Oleśnica valley, fulfilling an important role in the movement of animals from east to west. The investment also crosses migration corridors of regional and local importance, i.e. the Oronka and Szabasówka valleys. To protect the migration routes of animals and eliminate collision with animals, lower crossings for animals will be built. Moreover, the existing culverts will be adjusted to fulfil the function of crossings for small animals, including amphibians.

Taking account of the minimising conditions presented in the decision, it must be stated that the planned undertaking should not have negative impact on the natural environment, including the areas covered by the Natura 2000 project and on their mutual relations.

In the vicinity of the planned investment there are facilities listed in the register of monuments.

These are the Palace-Park Complex in Orońsko and two identical houseboats in Orońsko and Świerczek. Moreover, in the investment region there are facilities not entered into the register of monuments, such as roadside chapels and crosses. The planned investment in Variant 3 will not be a threat to these facilities.

Due to the possibility of encountering archaeological sites, surface and exploratory surveys should be performed before the beginning of the investment and any earthworks conducted under constant archaeological supervision.

Ad.3)

Pursuant to article 56 section 4.1 of the EPL, the Investor was obliged to present a post-implementation analysis within a specified scope. The post-implementation review must include the comparison of the findings contained in the report on the impact of the project on the environment and in the decision on environmental considerations with the actual effects of the project on the environment and the measures taken to reduce the effects, especially evaluation of the effectiveness of the solutions that are to protect residential housing areas against noise emission. The analysis must be carried out within 1 year of the facility commissioning date and submitted within 18 months of the facility commissioning date. In the case that acceptable values of the noise level have been exceeded, adequate acoustic protection measures must be implemented. If environmental quality standards cannot be met, measures aimed at creating a limited use area must be taken. Should it be necessary to establish an area of limited use for the undertaking, the environmental review must be accompanied by a copy, certified by the competent authority, of a reference map with the delineated boundary of the area on which it is necessary to establish the area of limited use.

**Pursuant to article 48 section 2.2 of the EPL, the Voivode of the Masovian Voivodeship agreed on conditions required by law.** The voivode agreed the conditions for the project implementation with the National Voivodeship Sanitary Inspector in Warsaw – decision of 15 January 2008, ref.: ZNS.7120-185-1/08.MCH and the Minister of the Environment – decision of 19 March 2008, ref.: DOOS-166D/8720/2008/ER. The conditions presented in the provisions above were included in the conclusion of the decision.

**Pursuant to Article 10 par. 1 of the Administrative Procedure Code, the Voivode of the Masovian Voivodeship ensured the Parties' active participation at every stage of the investigation** and, prior to the issuing of the decision, allowed them to express their opinions on the collected evidence, materials and submitted requests. Pursuant to article 49 of CAP and Article 46a item 5, the parties were informed of the decisions and other activities of the body managing the proceedings via announcements – notifications (notifications on initiation of the proceedings, notifications on request for agreements, notifications on the agreements issued, notifications at the end of the proceedings, notification on entering information on the decision issued in the case in a publicly available list of environmental data). Notifications were placed on the notice boards of the Masovian Voivodeship Office, the Warsaw Branch of the General Directorate for National Roads and Motorways, in the Commune Offices of Orońsko, Szydłowiec and Jastrząb Communes and on the website and the BIP of the body.

**In connection with Article 53 of the ELP, the Voivode of the Masovian Voivodeship** provided the possibility of the public's participation in the proceedings as part of which the report concerning the environmental impact of the undertaking was made. Pursuant to Article 32.1 of the Act quoted above the authority announced to the public the publication in the "Publicly accessible list of data concerning documents containing information about the environment and its protection" of data concerning the application to issue a decision on environmental conditions for the implementation of the said undertaking and the report and the possibility of submitting comments and requests within 21 days and the place of their submission. Notifications were placed on the notice boards of the Masovian Voivodeship Office, the Warsaw Branch of the General Directorate for National Roads and Motorways, in the Commune Offices of Orońsko, Szydłowiec and Jastrząb Communes from 7 April 2008 until 28



April 2008 and on the website and the BIP of the body.

It needs to be mentioned that within the procedure of environmental impact assessment with public participation performed according to Art. 53 of the EPL in connection with Art. 32, section 1, item 2 of the EPL, on 4 April 2008 the Voivode of the Masovian Voivodeship, at the Investor's request, considering extensive public interest and the necessity of considering opposing interests of the parties in the proceedings and ecological organisations, held an administrative meeting open to the public (protocol in the case files). Notifications about the meeting were made according to Art. 49 of the CAP. As a result of arrangements made during the meeting, the Voivode of the Masovian Voivodeship added item III.2 to the decision, stating that the route would run in an excavation from approx. km 499+800 to approx. km 501+800.

All explanations of parties, as well as comments and requests of the public submitted during the meeting were analysed for the final decision.

### **The mode of using the comments and applications made in connection with the participation of the public (Article 56 par. 8 of the EPL Act):**

**Within the statutory 21 days** comments and applications were submitted by Stowarzyszenie Zieloni Rzeczypospolitej Polskiej, Soból Hunting Association in Szydłowiec, as well as a group of entrepreneurs operating their businesses along National Road No. 7 (Radom–Szydłowiec).

#### **In reference to the applications of Stowarzyszenie Zieloni Rzeczypospolitej Polskiej:**

Variant 3 is the most environmentally and socially beneficial variant. It runs through the lowest number of housing estates and requires a smaller number of acoustic screens. Moreover, after building the road in Variant 3 on the old route of S7 traffic on the Orońsko–Szydłowiec section will greatly decrease, which in consequence will lead to an improvement in the acoustic climate as compared to the existing one. This variant does not collide with the groundwater intake for Szydłowiec or monuments listed in the register of historic monuments.

Considering the impact of individual variants on natural and socio-spatial elements, Variant 3 will have the least negative impact.

Pursuant to Article 46 section 4, item 9 of the EPL act, the decision on environmental considerations is issued before obtaining a decision on the location of a national road.

#### **In reference to the applications of the Soból Hunting Association:**

It needs to be emphasised that the variant analysis of the road's impact on surface water indicated Variant 1a is more ecologically beneficial, however, considering the impact of individual variants on natural and socio-spatial elements, Variant 3 will have the least negative impact.

At the same time, to reduce the investment's negative impact on water, the following items were added to the conclusion of the decision: II.1, II.7, II.13, III.4, III.5, III.6, III.7, III.8.

#### **In reference to the applications of a group of entrepreneurs operating their businesses along National Road No. 7 (Radom–Szydłowiec)**

Pursuant to Article 56 of the EPL, the competent authority issues the decision on environmental conditions after positive verification of the project location against the provisions of the local spatial development plan, if such a plan has been adopted. This provision does not apply to a decision on environmental considerations issued for a national road. Thus, the absence of arrangements for the location of a national road is not a reason for the lack of possibility of issuing a decision on environmental considerations for such a road.

It needs to be emphasised that according to the procedure governing the environmental impact assessment, pursuant to Art. 53 of the ELP, the Voivode of the Masovian Voivodeship provided the possibility of the public's participation in the proceedings.

**Outside the 21-day term** comments were submitted by: Stowarzyszenie Wspólnota Wiejska "Sadek", Przedsiębiorstwo Usługowo – Produkcyjno – Handlowe "Gres", Social Protest Committee of Kolejowa Street in Szydłowiec, Józef Bernardy – Huta Szkła Gospodarczego "Gracja", President of the Board of SSE "Starachowice" S.A., Mr Jacek Witowski – "Oleńka" Hotel, "Wspólnota Ziemi Szydłowieckiej" Association, a group of entrepreneurs from Szydłowiec, National Forests – Regional Directorate in Radom, Zakład Wielobranżowy "Mag" s.c., Mr Tomasz Seweryn, Mr Paweł Wasilewski, Rev. Krzysztof Śliwak – Parish Priest in the RC Parish in Szydłówek, Mr Bogdan Gwarek – Wola Korzeniowa, Mr Marian Gwarek and Mr Zbigniew Kasprzyk (with signatures of residents of Wola Korzeniowa and Barak), Association for the Development of Szydłowiec Commune, Spółdzielnia Inwalidów "Elektron", Mr Mirosław Szydłowski – president of Biella Polska Sp.z.o.o., Mr Robert Michalski – President of the Protest Committee, "Szydłowianka" Municipal Sports Club Association, Heads of villages: Zdziechów, Świerczek, Szydłówek I, Szydłówek II, Sadek, Barak, Wola Korzeniowa and Chustki, and the Mayor of Szydłowiec.

Pursuant to article 32, section 1a of the ELP, comments and applications submitted after the 21-day term are left without consideration.

### **I hereby make this decision immediately enforceable.**

Pursuant to article 108 of the CAP, the Investor requested that the decision be made immediately enforceable due to the significant public interest and interest of the party.

The General Directorate of National Roads and Motorways is responsible for the implementation of national transport policy. The construction of the road is intended to implement this policy. One of the strategic goals of the local government of the Masovian Voivodeship until 2020 specified in the "Strategy of Development of the Masovian Voivodeship" adopted by the Council of the Masovian Voivodeship in 2001 and updated in 2006, will be "ensuring road connections between Warsaw and regional, national and international routes." With regard to transport the Strategy plans to undertake a number of activities to remove congestion and low capacity and quality of the existing road network, modernise the railway network and develop air transport by increasing technical standards of circuit connections in the region.

Moreover, the construction of the S7 expressway from Radom to the border of the voivodeship is on the list of projects of the Operational Programme: Infrastructure and Environment 2007–2013, where the justification for its construction is its strategic nature and compliance with the second strategic priority of the National Development Strategy: "Improving the condition of technical and social infrastructure", the third horizontal objective of the National Strategic Reference Framework for 2007–2013: "The construction and modernisation of technical and social infrastructure vital for the growth of competitiveness of Poland" and the main objective of the OPI&E, "Raising investment attractiveness of Poland and its regions by means of the development of technical infrastructure with simultaneous protection and improvement of the state of the environment, health, maintaining cultural identity and development of territorial cohesion." The project's impact is beyond-regional and national. It is important for EURO 2012 – the performance of all sections of the S7 expressway will ensure the connection of Warsaw with Kielce and Cracow.

The fact that the decision has immediate enforceability status enables the General Directorate of National Roads and Motorways to fulfil its statutory tasks, which constitute the particularly important interest of the party.

In relation to the above, and acknowledging the application of the party as justified, the body conducting the proceedings in item V of the decision has introduced the rigour of immediate enforceability. The decision is immediately enforceable.

In view of the above, it was resolved as set forth in the decision.

**Instruction:**

This decision is subject to appeal to the Minister of the Environment, through the Voivode of the Masovian Voivodeship, within 14 days from the delivery of the decision.

/stamp and signature/

**Appendix to the decision on environmental considerations of consent for the performance of the undertaking issued by the Voivode of the Masovian Voivodeship on May 2008**

(ref.: WŚR.I.SM.6613/1/105/07)

**Description of the undertaking:**

Extension of National Road No. 7 to the parameters of expressway from the end of the planned Radom ring road to the border of the Masovian Voivodeship

**Purpose and programme of the investment**

The investment plan includes the extension of National Road No. 7 to the parameters of expressway at the section from the planned Radom ring road near Krogulcza Sucha to the northern border of the existing road and railway junction in Skarżysko-Kamienna.

The investment in question is a part of the investment task consisting in the adjustment of entire road No. 7 to the parameters of expressway.

The task has partially been performed or is under performance. National Road No. 7 belongs to the network of expressways (S7). In the network of international roads it is marked as E-77. It connects Gdańsk with the border crossing with Slovakia in Chyżne and runs through Elbląg, Warsaw, Radom, Kielce and Cracow.

The adjustment of Road No. 7 to the parameters of express dual carriageway will ensure convenient road connections, increase traffic safety and decrease costs for road users. Simultaneous provision of all necessary local connections and the performance of environmental protection devices (including acoustic screens) will contribute to a significant increase in safety and quality of functioning for local communities.

**Description of the planned project**

The extended section of Road No. 7 will be an extension of the planned Radom ring road with the following technical parameters:

- Class of the road – S;
- Design speed – 100 km/h;
- Load-bearing capacity – 115 kN/axle;
- traffic category – KR6;
- total limited availability (available only in junctions);
- number of carriageways – 2;
- width of traffic lanes – 2x3.5 m + 2.5 m for an emergency lane;
- Separating strip – a separating strip of 12 m in width is planned for the future extension of the road to 3x3.5 m.

Several variants of the road and solutions were considered for the extension of Road No. 7. The following were analysed in detail:

**Variant 1** (basic) – consisting in routing almost the entire road within the borders of the Masovian Voivodeship (except for the planned Chustki ring road) along the existing line, with the

construction of a second carriageway, parallel roads and junctions.

This variant starts at approx. km 485+600 as a continuation of the road from the planned Radom ring road (Transprojekt Warszawa) ending with the Młodocin Junction.

In this variant it is planned to extend the road by a second carriageway and build collector roads (including a road for bus traffic). The Orońsko Junction in Orońsko at the crossing with Poviath Road No. 34488 is planned.

The Chustki ring road with the Chustki Junction at its initial section is also planned.

At the section of the existing Szydłowiec ring road at its crossing with Voivodeship Road No. 727 the Szydłowiec Junction will be situated. Various locations of the junctions bypassing the parish developments of Szydłówek will be considered. The preferred junction variant is E or F.

The Szydłowiec ring road can also run according to combined subvariants 3b and 3a. In this variant of the Szydłowiec ring road the route runs along a new line behind the Chustki ring road bypassing Szydłówek and joins the existing course of the ring road at the level of Kolejowa Street next to the heat-generating plant.

In the area of the existing intersection with Voivodeship Road No. 727 the variant included introducing an expressway in an excavation of approx. 6 m in depth and 2 km in length. The excavation is additionally secured by acoustic screens of 4 m in height, covered with greenery.

In the location of the junction, provided for in local plans, at the end of the Szydłowiec ring road, the Szydłowiec II junction is situated.

**Variant 1a** – a modification of Variant 1, consisting in routing almost the entire road within the borders of the Masovian Voivodeship (except for the Chustki ring road) along the existing line, with the construction of a second carriageway, parallel roads and junctions.

**Variant 3** assumes routing the road along an entirely new line, bypassing all towns located on this section along the existing road, from the Młodocin Junction to the Szydłowiec Junction.

In this variant it is necessary to correct the solution of the Młodocin Junction so far planned as the end of the Radom ring road (Transprojekt Warszawa).

In this variant, there is no Orońsko junction.

At the section of the Szydłowiec ring road the route runs according to Variant 1.

The Szydłowiec ring road can also run according to subvariant 3a. In this variant the route runs along a new line behind the Chustki ring road bypassing Szydłówek and joins the existing course of the ring road at the level of Kolejowa Street next to the heat-generating plant.

**Subvariants 3a and 3b** are additional subvariants of the Szydłowiec ring road along a new route at the initial section. Such a route bypasses Szydłówek and joins the existing ring road at the level of Kolejowa Street near the heat-generating plant. The junction at the crossing with Voivodeship Road No. 727 was situated in a new location and the junction will be connected with Szydłowiec through the existing section of the voivodeship road.

In Variant 3, similarly to Variant 1, a section of the Szydłowiec ring road is planned in an excavation.

**As a result of a detailed multicriteria analysis it was deemed that the most beneficial variant of the route is Variant 3 with the Szydłowiec ring road running along the existing line in an excavation.**

### **Protected areas**

The planned section of National Road No. 7 does not collide with areas of Natura 2000 in any variant.

Within approx. 7 km to the south west from the end of the undertaking at the border of the Masovian Voivodeship there is the Suchedniów and Oblęgorek Landscape Park. Due to the significant distance the natural resources of the park will not be exposed to negative impact related with the extension of National Road No. 7.

There are no natural monuments (animate or inanimate) in the direct vicinity of the analysed undertaking.

Within the Protected Landscape Area of Przysucha and Szydłowiec Forests there are 4 nature reserves, Puszcza u źródeł Radomki, Cis A, Cis B and Podlesie, 3 km west from the road, beyond the impact of the undertaking.

### **Water drainage**

The planned section of Road No. 7 will be drained by means of grass-covered roadside ditches on both sides of the carriageway and a stormwater sewage system in the belt separating the planned dual carriageway. The slope of the ditches and rainwater canals will enable water to be drained to the lateral natural watercourses or irrigation ditches.

To protect surface water from contaminated rainwater and emergency run-off, treatment devices and retention reservoirs with pre-treatment devices are used.

Retention reservoirs are situated in the area of the Oronka and Szabasówka river valleys and additionally in places of expected discharge to the tributaries of these rivers or irrigation ditches.

#### **Variants 1, 1a and 1+3b**

Oronka River Valley	- approx. km 487+700; 487+900	left side
Oronka River Valley	- approx. km 490+450; 490+900	both sides
Szabasówka River Valley	- approx. km 491+600; 492+180	left side
	- approx. km 496+450	left side
Szydłowiec ring road	- approx. km 501+500; 501+600	right side

#### **Variants 3, 3+3a**

Oronka River Valley	- approx. km 486+800; 487+100	both sides
	approx. km 490+400; km 490+500	right side
Szabasówka River Valley	- approx. km 492+120; km 492+400	both sides

### **Acoustic screens**

To bring the forecast noise levels from the designed roadway to values equal to or lower than those acceptable, acoustic screens need to be used to protect residential areas.

In Variants I and Ia the length of planned screens is approx. 33,650 m along virtually the entire route.

In Variant 3 their length is approx. 16,600 m and they are located:

- from approx. km 485.2 to approx. km 486.1 on the western side of the road,
- from approx. km 486.4 to approx. km 488.2 on the western side of the road,
- from approx. km 489.7 to approx. km 490.6 on the western side of the road,
- from approx. km 492.5 to approx. km 493 on the western side of the road,
- from approx. km 493.0 to approx. km 493.6 on the eastern side of the road,
- from approx. km 494.0 to approx. km 494.5 on the western side of the road,
- from approx. km 496.3 to approx. km 497.3 on the western side of the road,
- from approx. km 498.2 to approx. km 504.9 on the western side of the road,
- from approx. km 498.5 to approx. km 499.0 on the eastern side of the road,
- from approx. km 499.5 to approx. km 500.6 on the eastern side of the road,
- from approx. km 501.3 to approx. km 502.0 on the eastern side of the road,
- from approx. km 503.6 to approx. km 504.6 on the eastern side of the road,

### **Crossings for animals**

To prevent the barrier effect of the S7 expressway on the population and genetic diversity of wildlife, the road has been equipped with grade-separated passages at the junctions of animal migration routes and the road:

- at approx. km 486+970 a lower crossing under a three-span facility with the passage width of at least 10 m and height of at least 3.5 m,
- at approx. km 492+200 a lower passage of at least 4.5 m in height and 15 m in width,
- at approx. km 506 a lower passage under the flyover of at least 4.5 m in height and 30 m in width.

Culverts under the road will be adjusted for small animals, including amphibians.

Sections of the road near crossings for large animals shall be fenced with a net (2.0–2.5 m in height, variable mesh size) at the length of approx. 200–300 m on both sides.

/stamp and signature/

cc:

1. The General Directorate  
for National Roads and Motorways  
Warsaw Branch  
25 Mińska Street, 03-808 Warsaw;
2. Other parties pursuant to art. 49 of the CAP;
3. to file

Copy to:

1. Minister of the Environment  
52/54 Wawelska Street, 00-922 Warsaw;
2. National Voivodeship  
Sanitary Inspector in Warsaw  
79 Żelazna Street, 00-875 Warsaw;
3. Biuro Projektowo-Konsultingowe Eurostrada Sp.z.o.o.,  
18 Pyszniańska Street, 02-829 Warsaw;