

S-7 – A ROAD TO NOWHERE

A study of the environmental, social, financial and legal shortcomings of the S-7 expressway section project in central Poland



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The controversies around the „Skarżysko-Północ” junction compound to create a hotspot for the different issues related to road investments in Poland. The planned section threatens the valuable natural environment, and the project is lagging due to legal and procedural inadequacies in the decision-making process.

The section in question

The S-7 expressway is one of Poland's main roads, running from the Baltic Sea in the North to the country's southern border and connecting Poland's major cities: Gdansk, Warsaw and Krakow.

Planned since 2007, an investment project for a particular section of the road, between the town of Skarżysko-Kamienna and the Świętokrzyskie-Mazowieckie region border, constitutes an abject violation of European law and environmental standards. The plans for the 8 km-long section in question include among others a junction called "Skarżysko-Północ", where the environmental, financial, social and legal issues surrounding the planning process compound.

The project has been monitored since 2008 by an Association "Pracownia na rzecz Wszystkich Istot", a Polish environmental NGO with 25 years of experience in addressing environmental concerns in road infrastructure. Pracownia has been leading the legal and administrative proceedings related to the project.

The controversy

Following the wishes of the local authorities and the pressure from the Ministry of Infrastructure and Development, from among the possible options, the investor (General Directorate for National Roads and Motorways, a government body) chose the course for the planned road which would prove the longest, the most expensive and the most harmful to the valuable environment. Ignoring the concerns voiced by the civil society and with clear disregard of environmental standards, the authorities have issued the necessary permits, and the investor is proceeding with the project.

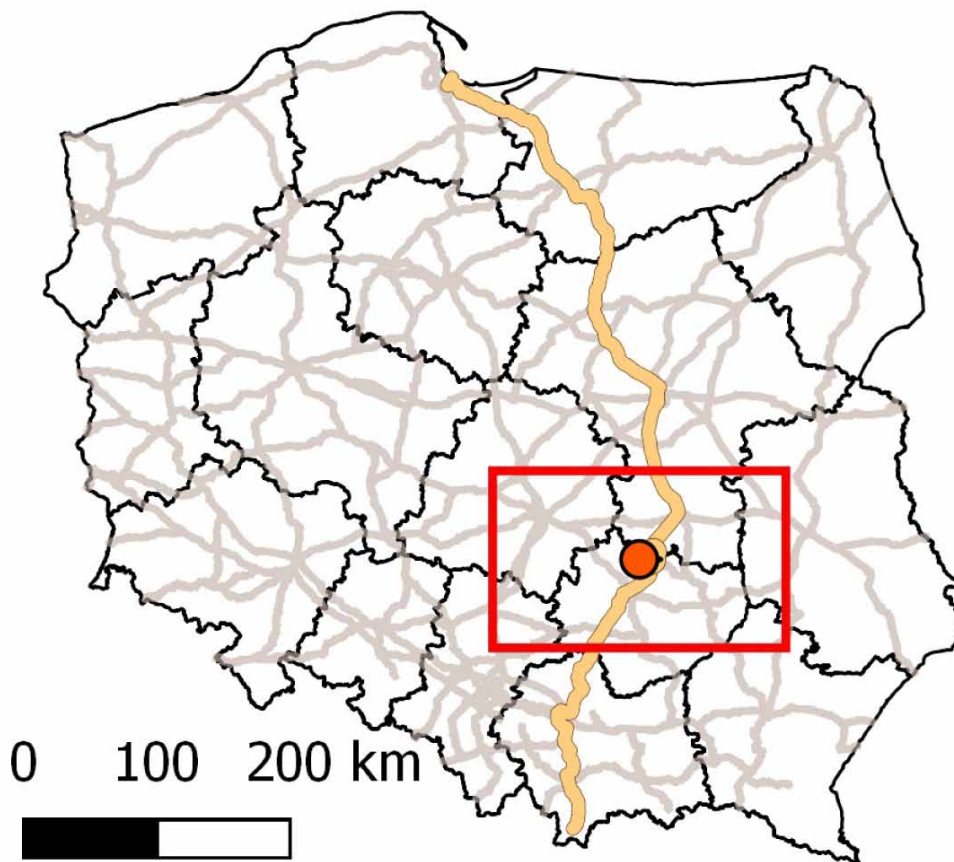
The controversy around the "Skarżysko-Północ" junction rests on two major pillars: one is its expected negative impact on the environment, and the other the legal and administrative inadequacies in the decision-making process that led to the approval of the investment project. In its current form, the road section project is legally questionable, threatens the natural environment, and has no valid social and financial justification.

Ecosystem destruction

The planned road course intersects with a major ecological corridor of European importance, whose continuity is crucial to the unimpeded migration and protection of many animal species, including big mammals such as wolf and moose. In particular the junction, with its proposed location in a small river valley, would negatively impact the corridor, effectively creating a barrier in a crucial spot.

Cutting into the Natura 2000 areas directly neighbouring the construction site, the junction would furthermore cause the destruction of habitats of several rare butterfly species protected under European and national law. It is estimated that

Location of the investment:



up to 80% of some of the most well-preserved habitats of those butterflies would be lost. As a mitigation measure, the investor proposes an experimental relocation project which disregards the basic laws of ecosystems.

Purposefully disregarding binding environmental regulations, the Polish authorities issued a decision changing the boundaries of the Natura 2000 site neighbouring the location of the junction, in order to avoid collision with the planned investment, without it being environmentally justified.

..... **Unjustified and unnecessary**

There is no obvious justification for the construction of the road section and the junction in the form chosen by the investor. The town of Skarżysko-Kamienna (50 000 inhabitants) already has one good connection with the existing road 7, and another is planned. The controversial junction's primary function would be providing a connection to an industrial zone which the local authorities plan to construct nearby, which would also be located on the protected Natura 2000 site. So, in addition to being unnecessary for the town's economic development,

the construction of the industrial zone has no real chance of going forward due to legitimate environmental concerns. The investment project is socially redundant, bringing no immediate benefits to the local people and businesses, as well as financially nonviable, as the construction and maintenance of the unnecessary junction would entail the spending of millions of euro of public money.

The legal battles

The process of preparing the environmental impact documentation for the road section and the manner in which the project is being pushed forward by the national investor abjectly violate national and European laws. The first environmental



The S-7 expressway cuts across some of the most important wolf habitats in this part of Poland. Instead of a wildlife crossing, the investor designed a vast and brightly lit road junction

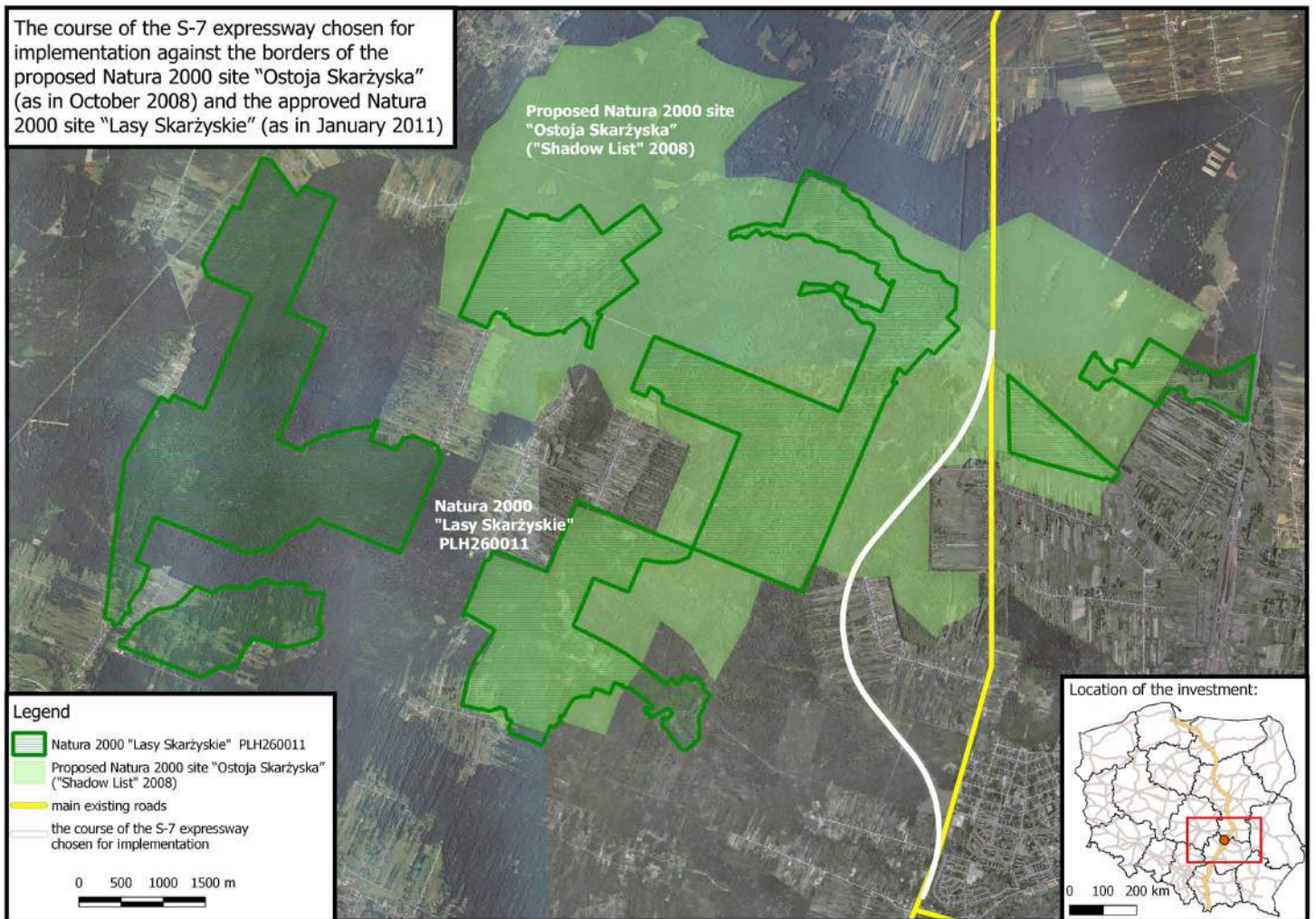


Euphydryas aurinia



Maculinea alcon

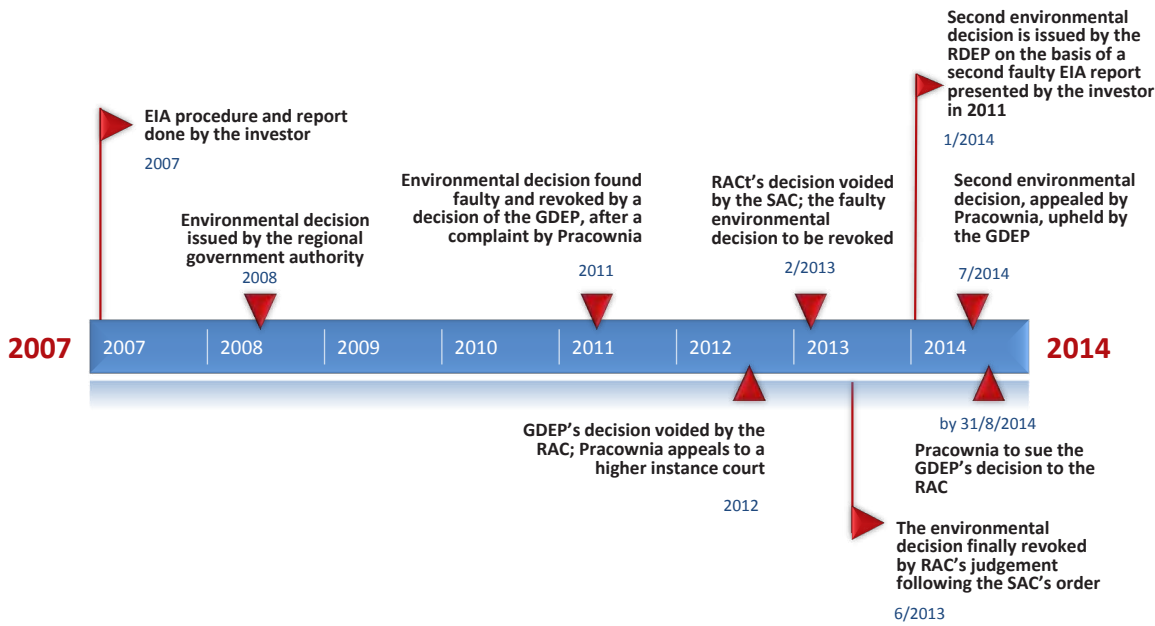
The S-7 will destroy one of the region's 3 largest habitats of butterfly species protected by the European directive. According to independent scientists, the proposed mitigation measures have no chance of being successful.



decision approving the investment, issued by the regional responsible authority in 2008 on the basis of a faulty EIA report, was overturned in 2013 by the Supreme Administrative Court due to "unacceptable deficiencies". The investor requested another EIA decision be made even before the court proceedings were finalised. Their new EIA report, which repeats all the shortcomings of the previous version, proves the road agency's disregard for environmental standards, as well as their inability and unwillingness to adapt and modify the project in order to proceed with the investment in a more responsible and sustainable way.

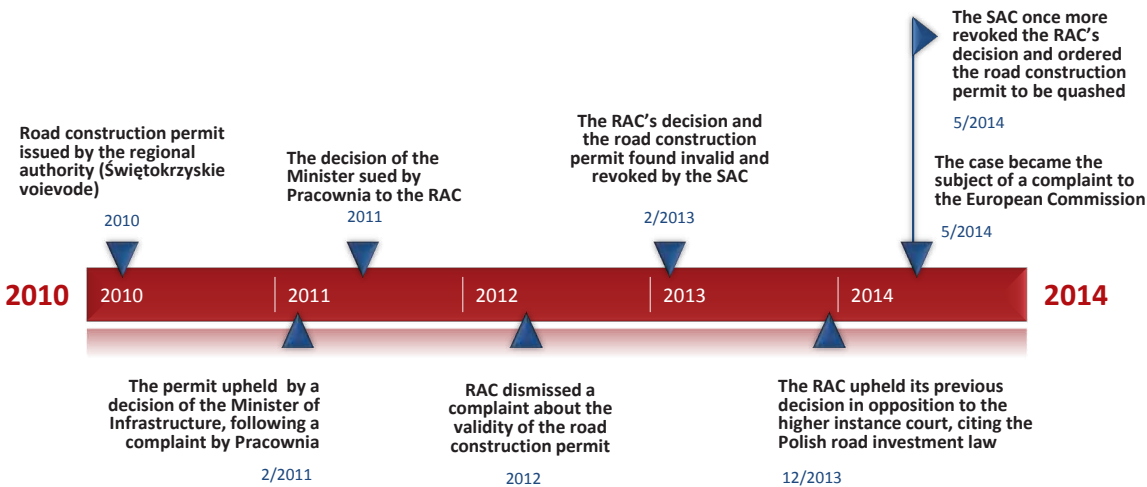
With the second faulty environmental decision soon to follow the previous one in administrative courts, the road construction permit issued in 2010 by the regional government, disregarding the environmental concerns, remains in force, due to a legal set-up which gives the Polish road law factual precedence over other national regulations. Even without a valid environmental decision, and with the construction permit certain to be revoked by the Court in due course, the investor decided to enforce the permit and moved forward with the process of preparing the area for development, including clearing the local forest and compensating the resettled inhabitants, spending millions of euro of public money.

Timeline 1: EIA and environmental decisions



- EIA - Environmental Impact Assessment
- GDEP - General Directorate for Environmental Protection
- RDEP - Regional Directorate for Environmental Protection
- RAC - Regional Administrative Court
- SAC - Supreme Administrative Court

Timeline 2: Road construction permit



Current status

Instead of implementing the country's road construction policy, and effectively responding to the real and undisputed need for well-designed expressways in Poland, the central road agency continues to insist on forcing the faulty project. After more than six years of planning and many opportunities for amends, the section in question continues to be stuck in a vicious circle of legal suits and administrative proceedings, impeding the development of the necessary infrastructure.

The S-7 section investment project as well as the misconduct of Polish authorities recently became the subject of a complaint to the European Commission.

A complaint to the European Investment Bank, one of the sources of financing for the controversial project, is also being prepared. Administrative proceedings in the country are also still underway. Most recently the Ministry of Infrastructure and Development has denied Pracownia’s request to organise a round table which would address the S-7 problem, without a valid justification.

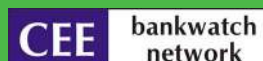
Solution

Much of the negative environmental impact of this expressway section could be mitigated by abandoning the plans for the construction of the “Skarżysko-Północ” junction and instead providing for well-designed animal passages in its proposed location, which wouldn’t compromise the continuity of the ecological corridor. As proposed by the civil society, the new construction project should follow a different course from the one chosen by the investor and build on the existing road, thus minimizing the negative impact of the investment and expediting the works.

In order to avoid similar situations occurring in the future, this issue should also be addressed on a systemic level. Polish authorities must adhere to the environmental and administrative standards and laws put in place to protect the natural environment and mitigate the negative impact of infrastructure projects. They must also make their best effort to ensure the potential investors’ compliance with EIA regulations, particularly the independence of the impact assessment.



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