

REGIONAL DIRECTOR
OF ENVIRONMENTAL PROTECTION
in Wrocław
AL. JANA MATEJKI 6
50-333 WROCŁAW

WOOŚ.420.20.2020.AP.21

Wrocław, 02.09.2021

DECISION

Pursuant to art. 113 § 1 and § 3 of the Act dated June 14th 1960 - *Code of Administrative Procedure (i.e. Dz. U [Journal of Laws] of 2021, pos. 735) in relation to art. 7, clause 2, item 2 of the Act dated October 3rd 2008 on sharing information on the environment and its protection, public participation in environmental protection and the environmental impact assessments (i.e. Dz. U. [Journal of Laws] of 202a pos. 247, as amended)*,

I hereby decide to

correct, at the Party's request, an obvious error made in the decision on environmental conditions by of the Regional Director for Environmental Protection in Wrocław dated November 19th 2020, file No.: WOOŚ.420.20.2020.AP.17, issued for the investment project titled: **"Task 2B.11/1 Flood protection of Nysa Kłodzka river valley - Kłodzko facility"**, in the way that:

1. In the substantiation of the decision text, item I.1, Task 4 (page 1) the current wording being:

"The Nysa Kłodzka river valley covered by the activities is partially located in municipal and county borough of Kłodzko, within the following cadastral precincts: Centrum, Jaskólcza Góra, Jurandów, Krosnowice, Stadion, Twierdza, Zagórze, Kłodzko powiat, Lower Silesia Province",

shall be replaced by the correct wording:

"The Nysa Kłodzka river valley covered by the activities is partially located in municipal and county borough of Kłodzko, within the following cadastral precincts: Boguszyn, Centrum, Jaskólcza Góra, Jurandów, Krosnowice, Stadion, Twierdza, Zagórze, Kłodzko powiat, Lower Silesia Province".

2. The second top paragraph of the investment's characteristics the current wording being:

"The investment will be located within the boundaries of the Lower Silesia Province, in the area of Kłodzko powiat, within the boundaries of the municipal and county borough of Kłodzko within the following cadastral precincts: Centrum, Jaskólcza Góra, Jurandów, Krosnowice, Stadion, Twierdza, Zagórze",

shall be replaced by the correct wording:

"The investment will be located within the boundaries of the Lower Silesia Province, in the area of Kłodzko powiat, within the boundaries of the municipal and county borough of Kłodzko, within the following cadastral precincts: Boguszyn, Centrum, Jaskólcza Góra, Jurandów, Krosnowice, Stadion, Twierdza, Zagórze.

JUSTIFICATION

On November 19th 2020 the Regional Director for Environmental Protection in Wrocław issued the decision on environmental conditions for the investment project titled: "Task 2B.1/1 Flood protection of Nysa Kłodzka river valley - Kłodzko facility", File No.:

WOOŚ.420.20.2020.AP.17.

By the application dated July 29th 2021 (received on August 6th 2021) the Investor - Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters] requested the obvious error in the decision on environmental conditions to be corrected. Analysis of the said application and the decision content proved that, owing to the error occurring in the decision on environmental conditions regarding the investment location, Boguszyn cadastral precinct in the Kłodzko borough had been omitted.

It needs to be emphasised that the aforementioned decision and the characteristics of the investment project indicate that the works under the planned investment cover the Nysa Kłodzka River, from km approx. 134+312 to km approx. 127+433. What is important, km 127+500 of the Nysa Kłodzka river is located in the county borough of Kłodzko, precinct of Boguszyn. Additionally location of the planned investment project in the cadastral precinct is confirmed by: the investment project information sheet, the project environmental impact report, land and property register map with the implementation area and the investment project impact, as well as the technical concept map with the scope of the planned works.

In the text of the said decision and the investment project characteristics an obvious mistake has occurred due to a visible yet unintended error.

Pursuant to art. 113 § 1 of *the Code of Administrative Procedure Act*, a public administration authority can, ex officio or at a party's request, correct, by way of a decision, editorial and accounting errors, as well as other obvious mistakes made in the decisions issued by the authority.

Such corrected decision is meant to obey the rule of law pursuant to art. 6 of the Code of Administrative Procedure act and is meant to keep proper functioning of administrative decisions.

Correction of editorial mistakes does not impact the resolution included in the decision and its approvals.

Considering the circumstances the obvious mistake must have been corrected.
Considering the aforesaid, the authority decided as in the beginning.

Information

The decision can be appealed against to the General Director for Environmental Protection through the authority that issued it, within 7 days since the decision delivery date.

REGIONALNY DYREKTOR
OCHRONY ŚRODOWISKA
WE WROCŁAWIU
[Regional Directorate
for Environmental Protection
in Wrocław]