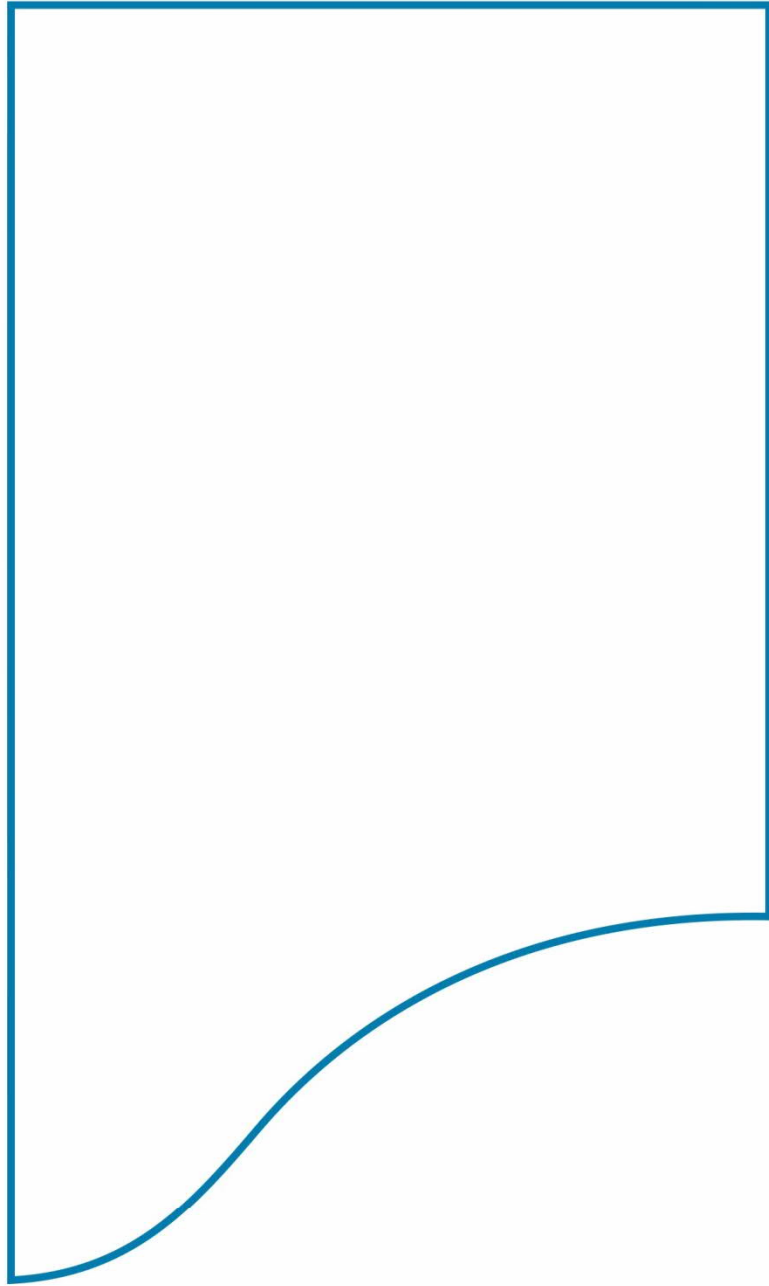


LAND ACQUISITION ACTION  
PLAN



ODRA-VISTULA FLOOD  
MANAGEMENT PROJECT



# LAND ACQUISITION ACTION PLAN

## ODRA-VISTULA FLOOD MANAGEMENT PROJECT

THE LAND ACQUISITION ACTION PLAN IS PREPARED FOR THE WORKS CONTRACT IMPLEMENTED BY THE STATE WATER HOLDING POLISH WATERS REGIONAL WATER MANAGEMENT AUTHORITY IN WROCŁAW.

COMPONENT 2:  
FLOOD PROTECTION OF THE KŁODZKA VALLEY

SUBCOMPONENT 2B:  
Passive protection

### WORKS CONTRACT 2B.2/2(a)

Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny Potok

ISSUE	DATE	DEVELOPED BY	REVIEWED BY	CLIENT'S APPROVAL	DESCRIPTION
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## 1 Summary

This document presents the Land Acquisition Action Plan (LAAP) for Contract 2B.2/2(a): Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny Potok (passive protection), implemented within the framework of the Odra-Vistula Flood Management Project executed as one of the investment components of the Odra-Vistula Flood Management Project (OVFMP).

Task 2B.2/2(a) is a part of Subcomponent 2B - Passive protection, covering the valleys of altogether the four rivers: the Ścinawka, the Nysa Kłodzka, the Biała Łądecka with the Morawka and the Bystrzyca Dusznicka with the Kamienny Potok.

The task concerns the construction, reconstruction and renovation of regulatory structures together with facilities related to them technically and functionally in the Bystrzyca Dusznicka riverbed in the area of the towns of Polanica-Zdrój, and the Kamienny Potok River in the town of Szczytna:

- the valley of the Kamienny Potok river from the estuary (0+000) to approx. km 2+500 (Szczytna Facility),
- the Bystrzyca Dusznicka River at the section from approx. km 14+025 to approx. 16+980 km (Polanica-Zdrój Facility).

The scope of land acquisition connected with the implementation of the Task will encompass the areas along the bank of the Bystrzyca Kłodzka River and the Kamienny Potok River within the boundaries of the towns of Szczytna and Polanica-Zdrój.

The scope of land occupation associated with the implementation of the Task will include areas along the Kamienny Potok and Bystrzyca Dusznicka rivers within the boundaries of Szczytna and Polanica-Zdrój. Narrow strips of properties adjacent to the river will be subject to occupation. The occupied parts of the properties are not used for agricultural purposes, nor are there any business or agricultural or other informal activities (which are sources of income for PAPs). There are no illegal users (squatters) on the occupied plots. Due to the small size of occupation, they will not cause economic resettlement. Project implementation will not result in physical resettlement, either. The Project will have a positive impact on PAPs' quality of life, as it will protect PAPs' assets and their properties from flooding.

The main principle adopted in designing the Investment is to ensure that permanent occupation of properties should be avoided as far as possible. Where permanent occupation is unavoidable, the procedures and requirements laid down in this LAAP will apply to minimise the impact of property occupation on the stakeholders. The land acquisition process will be closely linked to the schedule of the Task implementation so that the expropriated persons are compensated before their properties are physically occupied.

The property acquisition itself and property valuation will be carried out in accordance with the principles contained in the following legal acts:

- Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, item 483, as amended), (Constitution of the Republic of Poland)

- Civil Code Act of 23 April 1964 (consolidated text in Journal of Laws of 2022, item 1360, as amended), hereinafter referred to as the Civil Code, (Civil Code)
- Act of 8 July 2010 on particular rules of preparing the implementation of flood management structure projects (consolidated text in Journal of Laws of 2021, item 1812, as amended), hereinafter as the Special Flood Act. (Special Flood Act)
- Act of 21 August 1997 on real property management (consolidated text in Journal of Laws of 2021, item 1889, as amended), hereinafter as the RPM. (Real estate management act)

All the cases of property occupation will be implemented in accordance with the procedures set forth in the Bank's operational policy OP 4.12 Involuntary Resettlement.

## 1.1 APPLICATION OF OP 4.12 IN THE LAAP

The table below summarises the responsiveness of this LAAP to the WB's requirements:

Point	OP 4.12	LAAP	Notes
2 (a)	Involuntary resettlement should be reduced where possible or avoided by analysing all feasible alternative design solutions. (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.	The requirements considered in Chapters 5, 6 and 7.	The scope of permanent occupation and permanent restrictions has been significantly reduced in the course of design works. Only small areas of plots, of negligible economic importance, will be subject to occupation/PRs (see Chapters 6 and 7 in this regard). Temporary occupation will be made for the shortest possible periods necessary to carry out the construction works.
3.	OP 4.12 covers both the direct economic and social impacts caused by the implementation of the Task and caused by the compulsory occupation of properties and resulting in: (a) physical replacement or loss of shelter, (b) loss of assets or access to assets, (c) loss of sources of livelihood, regardless of whether the PAP has to relocate elsewhere.	The requirements considered in Chapters 5, 6, 7, 9 of the LAAP.	The economic and social impacts caused by involuntary property acquisition were identified during the socio-economic study. Physical replacement, loss of shelter and loss of sources of livelihood were not identified. Permanent and temporary occupation of properties and permanent restrictions, as well as the economic consequences resulting therefrom, were treated as loss of goods or access to goods.
6	The item requires the preparation of a resettlement plan, taking into account the following: (a) ensuring that resettled persons are informed of the options and rights available with respect to resettlement, are consulted on those options and on the available technically and economically feasible	The requirements considered in Chapters 8, 9 of the LAAP. The Task does not result in the physical or economic resettlement.	The LAAP has been prepared in accordance with the requirements of OP 4.12. As no physical or economic displacement is anticipated, adequate and effective compensation is provided for in the LAAP as required by OP 4.12. The valuation principles are contained in Chapter 8. The compensation payment mechanism, on the other hand, is closely correlated with the mechanism for acquiring



	alternatives to resettlement, and receive prompt and effective compensation equal to the replacement value of the assets lost.		rights to the property and is described in Chapter 8.
7	The item relates to loss of access to legally designated protected areas.	The Task does not provide the loss of access to legally designated protected areas	
8.	Particular attention should be paid to specially vulnerable/exposed groups.	Considered in Chapters 7 and 9	No persons belonging to vulnerable/exposed groups were identified in the course of the works and in the socio-economic study. As it is possible that such persons may come to light in the course of the Task execution (for example, due to a change in the economic or factual status of a person or group of persons), provisions relating to specially vulnerable/exposed groups are left in Chapter 9.
9.	The item relates to the resettlement of indigenous peoples	Not applicable	There are no indigenous peoples in the Task implementation area.
10.	The acquisition of property and the goods associated with it can only take place after compensation has been paid.	Considered in Chapters 5 and 8	This is the basic principle adopted in the LAAP. The procedures for establishing compensation in Poland are lengthy, which may have a negative impact on the timetable for implementing the investment and on the possibility of implementing the investment at all. A special remedial procedure was therefore adopted to counteract the effects of lengthy compensation proceedings. It was assumed that the obviously due part of the compensation (recognised as indisputably due by the PAP and by the Investor on the basis of an expert opinion prepared by an expert) would be paid before the commencement of the investment execution and before the decision establishing the amount of compensation is issued by the Province Governor (the body of first instance).
11.	Priority should be given to compensation on a "land for land" basis. If compensation in this form is not the preferred option, compensation should be paid in cash. In the case of physical/economic resettlement, such payment should be supplemented by the additional measures provided for under this point.	Considered in Chapter 5,	Only small parts of the property, which do not constitute sources of income for the local community, will be subject to expropriation.

12	Monetary compensation is adequate if the income is not based on land.		
13	This item concerns a procedure of physical resettlement	Not applicable	There will be no physical resettlement
14	Once the need for involuntary resettlement has been identified under the project, the borrower shall conduct a census in order to identify persons who will be affected by the project (see appendix A, paragraph 6(a)), to determine who will be eligible to aid and to discourage the influx of ineligible persons. The Borrower will also develop a procedure satisfactory to the Bank for determining the criteria by which displaced persons are entitled to compensation and resettlement assistance. The procedure includes provisions for meaningful consultation with affected individuals and communities, local authorities and, where appropriate, non-governmental organisations (NGOs) and stipulates the grievance mechanisms.	Considered in Chapters 7, 9 and 10.	No physical or economic resettlement will occur in connection with the Task implementation. A preliminary census was carried out for preparing the socio-economic study and can be found in the corresponding appendix (list of properties). The cut-off date was, in accordance with Polish law, set as the date of issuing the IPIP decision. Public consultation with interested persons was initiated even before starting to prepare the LAAP and is carried out in accordance with the principles adopted in Chapter 10.
15	The item defines the eligibility criteria.	Considered in Chapter 9,	The eligibility criteria and principles take into consideration all groups of persons identified in OP 4.12. However, it was established during the socio-economic study that there is only a group of people with formal rights to the property in the area of the Task execution.
16	The item defines the rules for determining compensation for particular groups of people, depending on their title to the property		
18	The item indicates that the Borrower is responsible for preparing, implementing and monitoring the resettlement plan. The LAAP should present a strategy to achieve the objectives of OP 4.12 and address all aspects of the proposed resettlements.	Considered in the LAAP document	The LAAP contains all the elements relevant to this document and required by Annex A to OP 4.12. In preparing the LAAP, the PIU was guided by the objectives of OP 4.12. These are pointed out in Chapter 5 of the LAAP and reflect the requirements resulting from OP 4.12. Best practices and requirements from the "Involuntary resettlement sourcebook. Planning and implementation in development projects" are also followed. The scope of the LAAP was tailored to the complexity of the project. This is a project with negligible negative social impact, but is being implemented in an area of social tensions related to previous SWH PW's investment plans (legacy issues). An additional problem may be that a small number of plots are occupied and the associated formal and legal issues (e.g. related to the co-ownership of land
19	Resettlement planning should include early screening, scoping of key issues, selection of resettlement instruments and information required for preparation of the resettlement plan. The scope and degree of information required varies depending on the intensity and complexity of the resettlement. The persons to be physically		



	resettled should be informed at the earliest possible stage so that their opinions can be expressed and taken into account.		<p>belonging to housing communities, where several co-owners may exist on small plots of up to 7 m<sup>2</sup>). For these reasons, the LAAP places a particular emphasis on mechanisms related to conducting the public consultation and timely consultation with the local community.</p> <p>The construction design has been prepared to reduce the number of permanent property occupation as much as possible.</p>
20	The Borrower shall be responsible for adequate monitoring and evaluation of the LAAP implementation	Considered in Chapter 13.	Chapter 13 provides a description of the procedure for monitoring the LAAP implementation, which will allow the LAAP implementation to be managed adequately.

## 2 List of abbreviations used in the document

ARMA	Agency for Restructuring and Modernisation of Agriculture
AP	Affected Population
World Bank	International Bank for Reconstruction and Development
PCU	Odra-Vistula Flood Management Project Coordination Unit (OVFMP)
WB	See the World Bank
GDOŚ	General Director for Environmental Protection
GIS	Geographic Information System - a terrain information system comprising a database with terrain information pertaining to a given area as well as procedures and techniques for systematic capturing, updating and presenting data.
CSO	Central Statistical Office
PIU	Project Implementation Unit - a separate organisational unit appointed within the PIO responsible for Contract/Investment execution
Investor	State Water Holding Polish Waters - Regional Water Management Authority in Wrocław
Engineer	The entity indicated by the Employer to act as the Engineer for the purposes of the Contract for Construction Works
Consultant	Consultant for the State Water Holding Polish Waters Regional Water Management Authority in Wrocław
C.C.	The Civil Code act of 23 April 1964 (consolidated text in Journal of Laws 2022, item 1360, as amended)
KOWR	National Support Centre for Agriculture
CAP	Act of 14 June 1960 – Code of Administrative Procedure (consolidated text in Journal of Laws of 2022, item 2000, as amended)
LARPF	Land Acquisition and Resettlement Policy Framework
MaxPP	Maximum damming level
LSDP	Local spatial development plan
NBP	National Bank of Poland
NGO	Nongovernmental Organisation

SAC	Supreme Administrative Court
OVFM	Odra-Vistula Flood Management
EIA	Environmental Impact Assessment
OP 4.12	Designation of the document which contains the principles for involuntary resettlements required for financing the Task with the World Bank's loan: Operational Policy 4.12 - Involuntary Resettlements.
PAP	Project Affected Person(s)
IPIP	Investment project implementation permit;
OVFMP	Odra-Vistula Flood Management Project
LAAP	Land Acquisition Action Plan
Project	See OVFMP
Property valuer/expert	A physical person with state professional qualifications within the scope of property valuations
RDOŚ	Regional Director for Environmental Protection
RZGW WR	State Water Holding Polish Waters Regional Water Management Authority in Wrocław
Special Flood Act	Act of 8 July 2010 on particular rules of preparing the implementation of flood management structure projects (consolidated text in Journal of Laws of 2021, item 1812, as amended)
PR	permanent restrictions to the manner of property use
EU	European Union
RPM	Act of 21 August 1997 on real property management (consolidated text in Journal of Laws of 2021, item 1889, as amended)
FGA	Act of 13 December 2013 on Family Garden Allotments (consolidated text in Journal of Laws of 2021, item 1073, as amended)
PAC	Provincial Administrative Court
Contractor	An entrepreneur or a consortium of entrepreneurs implementing the Works Contract 2B.2/2(a) Flood protection of cities along Bystrzyca Dusznicka river: Polanica- Zdrój, Szczytna river Kamienny Potok
Task	2B.2/2(a) Flood protection of cities along Bystrzyca Dusznicka river: Polanica- Zdrój, Szczytna river Kamienny Potok
Employer	State Water Holding Polish Waters Regional Water Management Authority in Wrocław

### 3 Key definitions

The following key definitions are used in this document:

Property price - the amount negotiated with the property owner payable to the owner for the given property or part thereof based on the property value as defined by an authorised valuer.

Cut-off date - the cut-off date after which the new purchaser of the given plot/structures will not be entitled to compensation or other forms of resettlement assistance. Such cut-off date shall be the date on which the IPIP decision was issued. Heirs of the owner of the property shall not be considered as a new purchaser for the purposes of this definition.

Economic resettlement - loss of benefits, income or livelihood stemming from purchase of land or access obstructions (to land, water or forest) as a result of construction or use of planned structures or associated devices.

Groups of persons requiring special care - people who, due to: gender, ethnicity, age, mental or physical disability, difficult material situation or social position, are more vulnerable to the negative effects of resettlement than other groups, and who may have limited possibility to make claims or benefit from resettlement assistance or to take advantage of the benefits related to the project.

Compensation - paid in cash or in the form of a replacement property for the properties which were acquired or which are affected by the Project. Compensation is disbursed at the time the owner has to hand over the property to investor. According to the applicable Polish law, as a rule, compensation may be disbursed from the moment the expropriation decision becomes final and in all cases before the property is acquired and occupied for construction purposes.

OP 4.12 Involuntary resettlements - the Operational Policy contains the main principles and procedures which constitute the basis of the IBDR's approach to involuntary resettlements associated with investment projects.

Project Affected Person - means every person who, as a result of the project implementation, loses the right to property or is affected by a loss of other benefits associated with built up infrastructure (residential, agricultural or farm), loss of annual perennial harvests and crops or other associated or existing assets, in its entirety or partially, permanently or temporarily.

Involuntary resettlement - resettlement is involuntary when it takes place without consent of the resettled person (against their will) or pursuant to a forced consent (without an option to object to the resettlement) e.g. by expropriation.

Expropriation - depriving of or restricting an ownership right to a specific property of person(s) under an individual legal act.

Replacement value - compensation for loss of assets valued based on their market value together with any transaction costs (e.g. taxes, registration fees), which aims to constitute a sufficiently effective substitution for the Project affected assets (replacement value). Replacement value is the amount needed to replace lost assets without taking into account the depreciation of assets due to age, condition or other asset-related factor.

Land Acquisition and Resettlement Policy Framework (LARPF) – a document approved by the World Bank, on the basis of which this Land Acquisition and Resettlement Action Plan is established. The formal project frameworks have been defined for the occupation of properties based on the LARPF. The Land Acquisition and Resettlement Policy Framework available at the web address:

<https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>

\* All property occupation, both permanent and temporary, will proceed in accordance with the procedures defined in Polish law, Bank OP 4.12. and LARPF.

## 4 Introduction

### 4.1 PROJECT DESCRIPTION

The present document constitutes a Land Acquisition Action Plan for Task 2B.2/2(a) Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny Potok (passive protection), implemented within the framework of Component 2: Flood protection of the Kłodzka Valley of the Odra-Vistula Flood Management Project. The Odra-Vistula Flood Management Project (OVFMP) is executed with the aid of international financiers, including the International Bank for Reconstruction and Development (also referred to as the World Bank) and the Council of Europe Development Bank and also with the support of funds from the Cohesion Fund and the state budget.

The Odra-Vistula Flood Management Project's objective is to enhance the protection against flood for people living in selected areas of the Odra and the Upper Vistula river basins and to strengthen the institutional capacity of the public administration to mitigate floods more effectively. The project will provide three distinct areas of Poland with flood management infrastructure and related technical measures: (i) the Middle and Lower Odra basin; (ii) the Kłodzko Valley (the Nysa Kłodzka basin); and (iii) the Upper Vistula basin.

In scope of performing the property occupation, the formal framework of the Project is defined in the Land Acquisition and Resettlement Policy Framework available at the web address:

<https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>

The scope of Kłodzka Valley flood protection entails flood protection for its inhabitants (approximately 234 thousand people) and inhabited areas with a total area of approximately 497 ha. The flood risk for the Kłodzka Valley is primarily a result of insufficient capacity of river beds and streams as well as transport infrastructure, insufficient number of flood reservoirs, insufficient number and height of embankments. This is exasperated by a poor technical condition of existing flood protection structures which do not provide sufficient flood protection to inhabitants of riverbank areas. The scope of works associated with the flood protection of the Kłodzka Valley entails the performance of actions both within the scope of active protection - subcomponent 2A as well as passive protection - subcomponent 2B.

The actions performed within the scope of Component 2: the Kłodzka Valley with the highest potential to impact Affected Population - (AP) include actions encompassing the construction of embankments, embankment modernisation and demolition of structures. Business (in urban areas) and agricultural (in rural areas) activities may be affected.

#### Subcomponent 2B - Passive protection

Passive protection encompasses flood protection for areas lying along the course of the four main Kłodzka Valley rivers: the Nysa Kłodzka, the Biała Łądecka with the main left-bank tributary - the Morawka River and of the Bystrzyca Dusznicka with the main left-bank tributary - the Kamienny Potok.

Passive protection embraces: reconstruction and renovation of existing bank revetments and increasing the flow capacity of river and stream beds, construction of new or reconstruction of existing



embankments and protection walls, increasing the flow capacity of existing weirs and regulatory barrages, increasing the capacity of existing bridge structures and footbridges.

Under Contract 2B.2/2 Flood protection of the valleys of the Bystrzyca Dusznicka River and the Kamienny Potok River, two tasks will be implemented:

- 2B.2/2(a) Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny Potok
- 2B.2/2(b) Flood protection of cities along Bystrzyca Dusznicka river: Duszniki-Zdrój, Szczytna river Bystrzyca Dusznicka

This LAP addresses all impacts caused by the works planned under the Task execution.

## 4.2 TASK DESCRIPTION

The Task Investor is the State Water Holding Polish Waters Regional Water Management Authority in Wrocław, acting on behalf of the State Treasury in acquiring the properties necessary to execute the Task.

The planned activities are aimed at reducing flood losses in the Kłodzko Land area, and their main task is to restore the functionality of regulatory structures and to adapt them to the conditions of safer passage of flood waves within the boundaries of highly urbanised towns and cities. The investment is aimed at reducing bottlenecks, building flood diversion channels, bridges or reconstructing damaged retaining walls to reduce possible congestions.

As part of the design solutions, mainly renovation and reconstruction works are planned to improve the technical condition of the existing regulatory structures of the riverbed and to consolidate the course of the riverbed. The design solutions were determined using standard types of protection for mountain river areas, while preserving the existing character and form of protection, appropriate to the historical hydrological development of the river within the individual towns. The stone used to cover the bank reinforcements (walls) will be adapted in size and texture to the existing reinforcements. The works will not disturb the valuable interiors of towns.

The need to provide access to the river, where this function of the riverbed currently exists, has also been taken into consideration when designing the technical solutions. The technical solutions have been developed taking into account the needs of protecting the sites of historical importance and/or those protected by the Provincial Monuments Conservator.

The planned works are a response to the long-standing expectations of the residents and local authorities, who have been campaigning for years for the river banks to be repaired, and the concerns of the residents themselves are considered, who have objected to interference in the natural environment.

The scope of the Task 2B.2/2(a) – Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny Potok embraces the areas of 2 towns in Kłodzko Powiat in Lower Silesia Province along the Bystrzyca Dusznicka river at sections from approx. km 14+025 to approx. 16+980 km (Polanica-Zdrój and the Kamienny Potok river from the estuary (0+000) to km 2+500 (Szczytna), which is its left-bank tributary. A sectional adjustment and revetment of the main watercourse bed is

planned within the framework of the planned works for the Task 2B.2/2 with the purpose of passing the flood water with the probability of exceeding occurrence of approx.  $p=10\%$ . The existing regulatory walls are planned to be reconstructed and renovated and new regulatory walls are planned to be erected; the new revetment of slopes made of wedged stone laid on geotextile fabric; trees and bushes threatening the stability of slopes of the bed and walls will be cut down (e.g. degraded fragments of walls where trees and bushes grow in); muds, outwashes and rubble will be removed locally from the riverbed, i.e. in the places significantly narrowing the cross-section, (as an accompanying measure to other works to the extent limited to the necessary minimum), especially near road bridges. There are no sufficient areas for building earth embankments due to the topographic configuration of the Bystrzyca Dusznicka valley and compact residential and economic development. Regulatory walls perform the protective function mainly.

The project assumptions are mainly to: increase the flood protection of bank areas with particular emphasis on built-up areas and traffic routes, ensuring the durability and stability of the cross-section and longitudinal section by renovating the revetments, improving the ichthyological flow capacity by eliminating transverse barriers.

Basic design assumptions:

- improving the ichthyological flow capacity by eliminating transverse barriers;
- protecting the town of Polanica-Zdrój against damage to regulatory and bridge structures caused by the transport of boulders and wood rubble during the passage of a flood wave,
- ensuring the durability and stability of the cross-section and longitudinal section by renovating the revetments;
- increasing the flood protection of bank areas with particular emphasis on built-up areas and traffic routes;

The implementation of the project in the construction phase will be limited in space to the riverbed of the Bystrzyca Dusznicka river, the Kamienny Potok river and their immediate surroundings. Due to the terrain relief, it is usually a strip not exceeding the width of approx. 10 to 20 m from the bank line.

Works related to the reconstruction, demolition, regrading and renovation of regulatory structures, due to possible limitations in the availability of space directly along the riverbed (existing buildings, trees and bushes, other infrastructure facilities directly adjacent to the riverbed), will have to be carried out in sections using the "from the water" technology. Some of the works will be carried out under conditions of temporary (or permanent) occupation of private land.

Project implementation will potentially have a minor impact on the public. No physical or economic resettlement is assumed to occur. However, as the river bank lines are not established (the regulatory development runs outside the ownership boundaries of SWH PW RZGW's plots), the area of occupation is small, while the number of plots and owners is large due to the linear nature of the investment.

Due to the location of conducting the works, i.e. in the direct adjacency of the strict urban development and technical infrastructure, the works will be conducted in several stages (places), during the implementation the works. The detailed manner of organising the front of works will result from the execution capabilities of the construction works contractor. Works will be performed in short sections alternately, e.g. a section on the left bank - a section on the right bank. The sections of the riverbed separation will be limited on one side with adjusting them to the scope of works at the length of

approx. 10 ÷ 15 m. After the execution of works within the section of works on one of the banks (module of separation for works), the zone of works will be transferred to the opposite slope (applies to cases where on a given section of the river both bank slopes are covered by works).

The works will be conducted in a "downstream" direction, i.e. the works will first start in the upper section of the town and gradually the front of the works will advance downstream.

## DETAILED SCOPE OF WORKS

### I. Scope of works on the Kamienny Potok river in the area of the Szczytna Facility

Renovation and restoration works on the Kamienna Potok (the lengths of one-sided works - to the right or left bank slope - are given):

- regrading the walls over a distance of about 1970 m;
- demolition and reconstruction of walls over a distance of about 100 m;
- renovation, reconstruction of the bank revetments over a distance of about 1060 m;
- conversion of three sills and weirs into semi-natural stone riffles;
- emergency, fire-fighting bottom water intake at km 1+302 of the Kamienny Potok;
- renovation of the stone bridge.

### II. Scope of works on the Bystrzyca Dusznicka river in the area of the Polanica-Zdrój Facility

Renovation and restoration works on the Bystrzyca Dusznicka (the lengths of one-sided works - to the right or left bank slope - are given):

- regrading the existing regulatory walls and reinforced slopes, by cleaning and supplementing the joints, filling in the losses of stone;
- "adding the wall" - construction of a new wall, leaving the old one as a so-called permanent shuttering;
- sectional reinforcement of the existing walls by means of a band (set-off), consisting of excavating a trench in the bottom of the bed and then a concrete screed under the foot of the wall;
- cutting down the trees and bushes colliding with the scope of works performed;
- local removal of deposits from the riverbed;
- closing the sewage outlet;
- conversion of H-23 sill to a riffle;
- construction of a debris flow dam at km approx.

#### Construction of debris flow dam

The construction of a debris flow dam on the Bystrzyca Dusznicka river, upstream of the town of Polanica-Zdrój (km 16+815), is planned for the works. The dam structure is planned to be made in the gabion form.

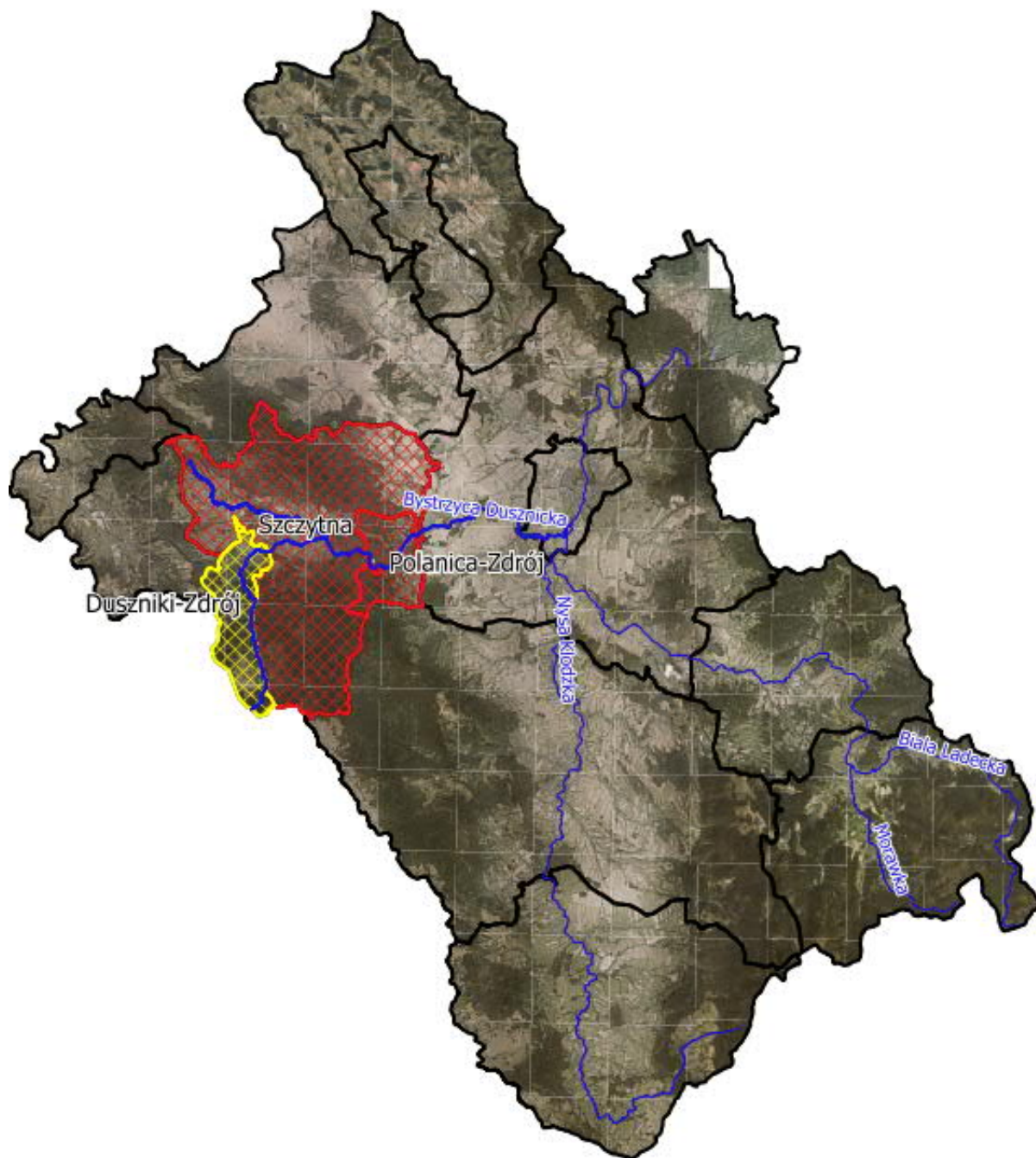
#### Construction of flood protection embankment

The construction of a flood protection embankment in the area of the sewage treatment plant in the town of Polanica-Zdrój is planned for the works.








## 4.3 TASK IMPLEMENTATION AREA

### 4.3.1 Planned area of Task implementation



#### Legenda

-  Areas of cities and lands highly - urbanised under the task 2B.2/2(a)
-  Areas of cities and lands highly - urbanised under the task 2B.2/2(b)
-  Boundaries of boroughs
-  Bystrzyca Dusznicka river and Kamienny Potok river under the task 2B.2/2
-  rivers under the scope 2B.1/1 and 2B.2/1

The planned area of Task 2B.2/2(a) implementation is located in Kłodzko Powiat, Lower Silesia Province. As the project embraces town areas, works will be conducted in 2 locations along the Bystrzyca Dusznicka river valley, i.e.:

#### SZCZYTNA

The estuary section of the Kamienna Potok with a length of about 400 m long flows through a natural floodplain with meadows and small riparian woodlands. Then, from the bridge in the course of the national road no. 8, located at approx. km 0+500 to km 1+500, the Kamienny Potok riverbed is enclosed in the regulatory walls and flows through the area where the transport infrastructure and buildings of Szczytna are directly adjacent to the riverbed. From km 1+500 to 2+000, the channel of the Kamienny Potok runs through highly urbanised areas and is mostly reinforced with stone rip-rap and partly with regulatory walls.

#### POLANICA-ZDRÓJ

The bed of the Bystrzyca Dusznicka River along the considered section at km 12+390 ÷ 16+980 is regular in plan and has a stabilised longitudinal profile. This results from its development with regulatory walls at the dominant part of the discussed section, local revetment of banks with gabions and the slope reinforced with cobblestones and the use of numerous sills.

The riverbed runs through non-urbanised areas at km 12+390 ÷ 14+025. The bed in this section is heavily overgrown and its slopes are unprotected. A sewage treatment plant is located in the section at km 12+390 ÷ 12+750 on the left bank.

At km 14+025 ÷ 16+280, the bed runs through the urbanised centre of Polanica-Zdrój and both banks of the river are protected by walls or an embankment reinforced with cobblestone. There are numerous footbridges and bridges along this section. At km 15+510, the bed branches off and is joined at km 15+010. The branch is 570 m long and the riverbed is secured on both sides by a regulatory wall or an embankment reinforced with cobblestone. At km 16+280 ÷ 16+980, the riverbed runs through less urbanised areas of Polanica-Zdrój. Above km 16+810, the riverbed is surrounded by forest areas.

## 4.4 ADMINISTRATIVE DECISIONS ISSUED

The following administrative decisions have been issued for the Task:

- Decision on environmental conditions of 13 November 2020 for the Project entitled "Task 2B.2/2 Flood protection of the valleys of the Bystrzyca Dusznicka River and the Kamienny Potok River (passive protection) - Szczytna Facility" in scenario 1 (ref.: WOOŚ.420.19.2020.AP.20).
- Water Law Permit dated November 22th July for the Investment Project titled "Task 2B.2/2 Flood protection of the Bystrzyca Dusznicka river valley and Kamienny Potok river (passive protection) - Szczytna Facility – Kamienny Potok (File No. GM-DOK-3.7700.1116.2021.AZ)
- Decision on environmental conditions of 30 October 2020 for the Project entitled "Task 2B.2/2 Flood protection of the valleys of the Bystrzyca Dusznicka River and the Kamienny Potok River (passive protection) - Polanica-Zdrój Facility" in scenario 1 (ref.: WOOŚ.420.16.2020.AP.18).
- Water Law Permit dated November 14th 2022 for the Investment Project titled "Task 2B.2/2 Flood protection of the Bystrzyca Dusznicka river valley and Kamienny Potok river (passive protection) – Polanica-Zdrój Facility (File No. GM-DOK-3.7700.153.2021.MM)

## 5 Basic principles adopted in the LAAP

Unless appropriate mitigation and preventative measures are planned and implemented, the occupation of properties may cause and strengthen social inequalities, cause social exclusions.. Therefore, the following principles should be followed when designing and implementing the process of acquiring properties:

1. Ensure that the permanent occupation of properties is avoided as far as possible. Where permanent occupation is unavoidable, the procedures and requirements laid down out in this LAAP will apply to minimise the impact of property occupation on the stakeholders.
2. Property acquisition procedures should not deteriorate the living conditions of the population, but should ensure, at the least, a restoration of the pre-Project levels.
3. All project affected persons take part in social consultations at equal basis, considering the needs of particularly vulnerable groups. They will also be presented with an opportunity to actively participate in the Project development and with availability of the grievance redress mechanism.
4. Project Affected Persons have the access to a fair, unbiased and affordable appeal procedure before an independent authority or before a court, and may perform this procedure without undue delay.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on the Polish law and OP 4.12. The LAAP is in accordance with the LARPF (see <https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>).
6. The LAAP applies to permanent or temporary property occupation, as well as to permanent or temporary restrictions of the access to properties.
7. The implementation of the LAAP will be monitored and documented, and after completion it will be evaluated by the World Bank.
8. The social participation process, protective and mitigation measures will be conducted with the assumption of the need to provide equal treatment regardless of age, gender or disability of project affected persons. Particular attention should be paid to those households whose member(s) remain a part of particularly vulnerable social groups.
9. The LAAP is planned and implemented as an integral part of the Project. All the costs associated with the necessity to plan and implement compensation measures will be included in the Project costs and benefits.
10. Compensation for persons affected economically by the project implementation effects should be paid prior to the commencement of construction works on the expropriated property.
11. A priority for compensation activities is given to the compensation on the "land for land" basis by granting a property with a similar production potential. Cash compensation will be used where occupation of the property or its part has no impact on the use of land for its former purposes, as well as where persons affected economically by the Project's consequences express their will to receive cash compensation. Cash compensation will also be applied wherever there is no suitable replacement property.
12. The properties that are subject to temporary occupation after the end of works will be restored to their original state so as to enable their owners or users to use the properties in the way they did before the Project implementation.



13. The Contractor will obtain the area for temporary occupation not resulting from the IPIP decision by his own efforts; when negotiating the terms of the temporary occupation of the property he will be guided by the rules set forth in this LAAP (this process will be monitored by the PIU and the Consultant and will take place on a voluntary basis and on the principles defined in the agreement concluded between the owner of the property and the works Contractor).
14. The Contractor will agree upon and provide the Investor with information on all concluded contracts for temporary occupation not resulting from the IPIP decision. The temporary occupation of properties in the scope not resulting from the IPIP decision for the purpose of the Contract execution is possible only with the voluntary consent of the property owner. Prior to the temporary occupation of the property, the Contractor will carry out a detailed inventory and prepare photographic documentation of the above-mentioned property.
15. The permanent restrictions in the use of properties, indicated in PNRI, as a rule, will be compensated in cash. The amount of such compensation will consider the market value loss of the property.
16. All PAPs, without regard to the legal status of the property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix included in this LAAP. The lack of a legal title to a property should not be an obstacle to receiving compensation and/or different kind of support. The detailed principles of land acquisition, social participation and mitigation, prevention, protection and compensation measures will be established in the LAAP.

If needed, the LAP will be updated as new factual and legal circumstances appear.

## 6 Impact minimisation

### 6.1 SOCIAL IMPACT

In the light of OP 4.12, the social impacts connected with expropriation are considered to include all direct economic and social losses deriving from the property expropriation, permanent restriction in the existing property use or restriction in access to a property. Hence, to evaluate the relevance of social impacts, the basic criterion is assumed to be the percentage ratio of the whole property to its expropriated part. Data obtained during socio-economic studies should also be considered.

The following criteria were adopted in line with OP 4.12 to estimate the social impacts for the purpose of this LAAP:

- minor impacts - impacts where less than 20% of the land or resources belonging to a given PAP are lost, with no physical relocation, are considered to be secondary impacts.
- significant impacts - impacts where more than 20% of the land belonging to a given PAP are lost are considered to be significant impacts.

As the project is planned in semi-urban area, the families do not have their productive assets on the acquired plots and do not use the plots as a farm land, we assumed 20% loss of plots is the first criterion indicating the severity of impacts. However when evaluating the significance of impacts, the information was considered obtained during the socio-economic studies, at the stage of designing and at the stage of processing the application for the issuance of the decision on environmental conditions of the project implementation permit, in particular with regard to the expected impact on the elements of the environment that may affect the current use of the property.

#### 6.1.1 Occurrence of significant impacts

No significant impacts have been identified due to the renovation and restoration nature of construction works in the existing riverbed area. No physical and economic displacement is expected as a result of the investment execution.

The conducted socio-economic studies and analysis of property development reveal that acquisitions have a negligible impact on PAP's revenues. Due to the small area of the properties taken over, the lack of agricultural and non-agricultural use and the negligible impact on PAP's revenues, compensation will be made in cash.

## 6.2 MITIGATION MEASURES

1. The works under the project are conducted so as to minimise the number of plots which have to be acquired.
2. The amount of compensation for the lost property will be established by way of agreement, based on appraisal studies developed by independent experts or by way of a decision of the Lower Silesia Province Governor, also based on appraisal studies. A valuation constituting the basis for determining the compensation amount will be reliable, unbiased and independent so that the existing owner receives a price for the property reflecting their actual loss and as such to minimise the negative impact of property ownership loss on their financial situation.
3. All costs associated with the performance of protection measures shall be included into the compensation package. No protection activities are currently foreseen, but this may change during the project.
4. Each expropriated person will be entitled to the unpaid use of the land in the existing manner until obtaining the possibility of getting the compensation or (in the event of a failure to reach agreement as to the compensation amount) its undisputed part (including the advance payment, pursuant to the procedure described in chapter 8.3 of this LAAP).
5. For the duration of conducting the works, investment supervision will be provided in consultation with the owners of the infrastructure network. The owners of these networks will be notified in advance by the Contractor of the date of commencement of the works.
6. As part of the information campaign, PAPs will be informed about the possibility of applying for purchasing the remaining part of the property, i.e. the so-called "remnants", if, after the division of the property and acquisition of its part for the execution of the Contract, the remaining part is not suitable for further use for the existing purposes (in accordance with Art. 23.2 of the Special Flood Act). During the socio-economic study the owners were informed about a procedure for the purchase of "remnants", as described under this LAAP. The analyses made reveal that no grounds exist for the purchase of properties based on the regulations concerning the "remnants" in the area covered by the LAP. However, as it is a statutory entitlement of the PAP to apply for the purchase of the remnant, the procedure for dealing with the issue of purchase of remnants is included in chapter no. 8.2.5 of this LAP.
7. Wherever the properties remaining following expropriation will not be suitable for use for the existing purpose in accordance with the intended use ("remnants"), the Investor, following analyses in this respect, will acquire these properties by way of a civil law agreement in accordance with the procedure described in this LAAP. The compensation for acquiring the "remnants" will be disbursed under a civil law agreement concluded with the property owner.
8. If - in connection with the Contract execution - it will be necessary for the Contractor to temporarily occupy the property not covered by the IPIP, the Contractor, when negotiating the terms of the temporary occupation of the property, will be guided by the rules set forth in this LAAP (this process will take place on a voluntary basis).
9. PAPs will be informed at least two weeks in advance of the planned date and duration of the temporary occupation.

10. Temporarily occupied properties will be restored to their original state after the completion of works. Properties will be acquired for the purpose of temporary occupation in consistency with the principles defined in this LAAP.
11. The properties neighbouring the construction site will be secured with access to a public road throughout the investment execution period.
12. The Consultant, if necessary, will provide assistance to PAPs in preparing, in particular, map attachments to the applications for the purchase of "remnants".
13. The detailed location of the construction site facilities, roads and process yards will be determined in a manner that will be as little disruptive to adjacent property owners as possible.
14. Access to the construction site will be planned on the basis of the existing road network, in a way that is as unobtrusive as possible for local residents.
15. The speed of vehicle traffic in the construction area will be so adjusted so as to ensure the highest possible level of safety for road and pedestrian traffic participants.
16. Photographic documentation of existing buildings and structures, as well as access roads, will be made prior to the commencement of works.
17. The Contractor shall be responsible for any damage to the structures, buildings, roads, drainage ditches, culverts, water supply and gas pipelines, power poles and power lines, cables, land survey control network and any type of services as well as other types of facilities such as vertical and horizontal signs, information boards, cultural assets etc., caused by the Contractor or his Subcontractors during execution of works. The Contractor is also responsible for restoring the flow capacity of ditches and drainage installations in the area of the works being carried out and the transport routes being used in the event of damage caused by the works and transport related to the works.
18. The Contractor shall immediately repair any damage caused at its own expense and, if necessary, carry out other works ordered by the Investor.

## 7 Socio-economic study

### 7.1 SOURCES AND METHODOLOGY

The data and conclusions presented in this document are based on the following data:

- extracts from the land and mortgage register,
- Construction Design,
- data from the geoportal,
- statistical data of GUS,
- statistical data collected at [www.polskawliczbach.pl](http://www.polskawliczbach.pl)
- data from the Poviast Labour Office in Kłodzko,
- data from the National Court Register,
- publicly available data published on the websites of entities conducting business activity,
- survey studies.

The socio-economic study and the socio-economic research are not subject to publication owing to personal data protection.

Due to the fact that only small parts of the properties and land, on which the Project is to be implemented, will be subject to occupation (both permanent and temporary), located in urbanised areas, and the manner of land development will not change, the social and economic costs to be borne by the representatives of the community affected by the expropriation procedure should be considered relatively low compared to other undertakings of this type. The residents of the estates in the neighbourhood of the riverbed of the Bystrzyca Dusznicka and Kamienny Potok beds will be exposed to these impacts.

At the stage of project preparation and its implementation, minimising measures will be employed, whose aim is to limit and compensate for any negative socio-economic effects of Contract execution.

Due to the restrictions resulting from the introduction of a pandemic state, the socio-economic studies were conducted by correspondence using the method of standardised questionnaire questions.

#### 7.1.1 Difficulties in the preparation of the study

No considerable problems in the area subject to the investment were identified as a result of holding the socio-economic study conducted by correspondence.

## 7.2 SOCIO-ECONOMIC DATA

### 7.2.1 Demographic and economic characteristics

#### Szczytna

The population of Szczytna is 5,130, of which 50.9% are women and 49.1% are men. Szczytna has a negative birth rate (-35) and a negative internal migration balance (-15). The average age of residents is 43.9 years and is slightly higher than the average age of residents in the Lower Silesia Province and slightly higher than the average age of residents in Poland. In 2018, 44.1% of deaths were caused by cardiovascular diseases, 25.2% by cancer and 5.5% by respiratory diseases.

61.0% of the inhabitants of Szczytna are in the working age, 14.4% are in the pre-working age and 24.6% are in the post-working age. The registered unemployment rate in Szczytna in 2019 was 10.3% (11.1% for women and 9.5% for men).

The average gross monthly salary in 2018 in Szczytna was PLN 4,054.23, which corresponds to 83.90% of the average gross monthly salary in Poland.

Among the economically active residents of Szczytna, 440 people go to work in other towns, and 68 workers come to work from outside the commune - the balance of arrivals and departures to work is -372. 17.4% of the professionally active inhabitants of Szczytna work in the agricultural sector (agriculture, forestry, hunting and fishing), 24.7% in industry and construction, 16.7% in the service sector (trade, repair of vehicles, transport, accommodation and catering, information and communication) and 2.5% work in the financial sector (financial and insurance activities, real estate market services).

489 registered entities of the national economy were registered in the REGON register in 2019, of which 342 were self-employed individuals. There are most (475) micro-enterprises, employing between 0 and 9 people. 3.5% (17) of the entities declared agriculture, forestry, hunting and fishing as their object of activity, 20.7% (101) of the entities declared industry and construction as their object of activity, and 75.9% (371) of the entities in the register qualified as other activity. Among natural persons conducting business activity in Szczytna, the most frequently declared types of predominant activity are Wholesale and retail trade; repair of motor vehicles, including motorbikes (28.4%) and Construction (19.3%).

As for the total housing resources in Szczytna, it amounts to 1,879 properties. 98.51% of dwellings are connected to the water supply system, 93.67% have a flush toilet, 91.91% have a bathroom, 79.24% use central heating and 51.73% use a gas network.

#### Polanica-Zdrój

Polanica-Zdrój has 6,307 inhabitants, of which 54.2% are women and 45.8% men. The birth rate is negative (-58); however, the balance of internal migration is positive (21). The average age of residents is 47.2 years and is much higher than the average age of residents in the Lower Silesia Province and significantly higher than the average age of residents in Poland. In 2018, 44.1% of deaths were caused by cardiovascular diseases, 25.2 % by cancer and 5.5% by respiratory diseases.

56.4% inhabitants of Polanica-Zdrój are in the working age, 12.9% are in the pre-working age and 30.7% are in the post-working age. The registered unemployment rate in 2019 works was 9.1% (8.6% for women and 9.6% for men). This is significantly more than the registered unemployment rate for the Lower Silesia Province and considerably more than the registered unemployment rate for Poland as a whole. In 2018, the average gross monthly salary in the town was PLN 4,054.23.

Among the economically active residents of Polanica-Zdrój, 287 people go to work in other towns, and 945 workers come to work from outside the commune - so the balance of arrivals and departures to work is 658. 17.4% of the professionally active inhabitants of Polanica-Zdrój work in the agricultural sector (agriculture, forestry, hunting and fishing), 24.7% in industry and construction, 16.7% in the service sector (trade, repair of vehicles, transport, accommodation and catering, information and communication) and 2.5% work in the financial sector (financial and insurance activities, real estate market services).

1,083 registered entities of the national economy were registered in the REGON register in 2019, of which 731 were self-employed individuals. There are most (1,055) micro-enterprises, employing between 0 and 9 people. 0.5% (5) of the entities declared agriculture, forestry, hunting and fishing as their object of activity, 14.1% (153) of the entities declared industry and construction as their object of activity, and 85.4% (925) of the entities in the register qualified as other activity. Among natural persons conducting business activity in Polanica-Zdrój, the most frequently declared types of predominant activity are Wholesale and retail trade; repair of motor vehicles, including motorbikes (21.8%) and Healthcare and social aid activities (15.0%).

The total housing resources in Polanica-Zdrój account for 3,102 properties. 72.2% of dwellings were intended for sale or rent, 27.8% for individual use. 99.36% of dwellings are connected to the water supply system, 95.81% have a flush toilet, 94.39% have a bathroom, 84.91% use central heating and 71.63% use a gas network.

### 7.2.2 Gender equality

Poland has a legal prohibition of discrimination, which is expressed in the Constitution of 1997. Article 32 states that no one shall be discriminated against in political, social or economic life on any ground whatsoever. Discrimination against women means "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979).

In order to become a European Union member state, Poland had to adjust its legislation to the regulations binding in the EU, including the scope of gender equality. It resulted mainly in changes to the labour law, but also in the change of the attitude of politicians and public administration to this topic.

According to the Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among countries with a very high Human Development Index. It is ranked 39th out of 187 countries, i.e. above the average value for the countries in the European Bank for

Reconstruction and Development (EBRD) area of activity and close to the average value for the countries of Central Europe and the Baltic states. The Human Development Index includes three elements: health, education and standard of living. Concerning the Gender Inequality Index (GII) of the UNDP, Poland is placed even higher in the worldwide ranking in the 24th place. The Gender Inequality Index is a measure which reflects the loss of development possibilities in the area of a given country as a result of unequal gender treatment and includes three assessed elements: reproductive health, empowerment and labour market participation.

As concerns the participation of women in public life, their share in elected public authorities is small. The low percentage of women as Members of Parliament and senators is one example here. Similar, negative tendencies are noticed in other elected authorities: municipality councils, poviats councils and province councils (approx. one fourth of all councillors are women). One should also stress the long-term small percentage of women as municipality heads and city/town mayors. However, the progressive demasculinization of the village leader position attracts attention as this position is one of the most significant concerning civil activity and building social capital. Experience also shows that women participate in the conducted public consultations on equal terms and often their involvement and local activity make them play a leading role in those consultations. To conclude, one must highlight that in order to promote women and increase their participation in decision-making bodies and business management, various civil initiatives are taken, declarations are made by political parties and examples of solutions from other countries are popularised, while the European Commission takes its own initiatives ex officio. This should translate into an improvement of equal treatment of men and women concerning labour market participation and the participation in decision-making bodies. An analysis of survey results for the last 10 years actually shows a gradual progress in this area.



### 7.2.3 Land use

The planned land use designation as per the LBR is given in appendix no. 1 to next to each plot occupied temporarily or permanently. The RAP Team has verified - when conducting the socio-economic study - whether the land is actually used according to the designation indicated in the LBR. Detailed characteristics of how each property will be developed are set out in the table attached as appendix no. 1 to this LAP. The table is not subject to publication due to the protection of personal data. An anonymised version will be made available. Land uses according to the LBR are classified into 7 groups - farmland, forest land, built-up and urbanised land, ecological land, land under water, miscellaneous land. The LBR classification indicates the assumed use of the land.

#### Szczytna

The number of plots covered by the planned renovation and restoration works - 51 (before division), of which:

- 15- are private plots
- 36 - are public plots

Number of expropriated plots - permanent occupation - 22 plots (after division), of which:

- 5 - are private plots (40% residential land, 60% agricultural land)
- 17 - are public plots

The total permanent seizure area is 1.8855 ha.

Number of temporarily occupied plots - 47 plots (after division), of which:

- 15 are private plots (60% residential land, 30% agricultural land, the remainder are other built-up land)
- 32 are public plots

Type of occupation	Type of owner	Number of plots before division	Plots after division				
			Number of plots	Built-up and urbanised land (as per LBR)	Farmland (as per LBR)	Land under water (as per LBR)	Miscellaneous land (as per LBR)
Permanent occupation	Private	5	5	2	3	0	0
	Public	13	17	9	5	2	1
Temporary occupation	Private	10	15	5	10	0	0
	Public	23	32	29	3	0	0
Total		51	69	45	21	2	1

## Polanica-Zdrój

The number of plots covered by the planned renovation and restoration works - 99 (before division), of which:

- 55 - are private plots
- 44 - are public plots

Number of expropriated plots - permanent occupation - 50 plots (after division), of which:

- 26 are private plots (34% residential land, 23% other built-up land, 19% agricultural land, 15% urbanised undeveloped land or land under development, the rest is industrial land).
- 24 are public plots

The total permanent seizure area is 0,8196 ha.

Number of temporarily occupied plots - 86 plots (after division), of which:

- 53 are private plots (45% residential land, 21% agricultural land, the rest are roads, urbanised undeveloped land, industrial land, other built-up land)
- 33 are public plots

Type of occupation	Type of owner	Number of plots before division	Plots after division				
			Number of plots	Built-up and urbanised land (as per LBR)	Farmland (as per LBR)	Land under water (as per LBR)	Forest land (as per LBR)
Permanent occupation	Private	23	26	21	5	0	0
	Public	21	24	15	6	0	3
Temporary occupation	Private	33	53	42	11	0	0
	Public	22	33	29	4	0	0
Total		99	136	107	26	0	3

#### 7.2.4 Access and transportation

The investment does not include areas of national roads. The investment has no impact on the connectivity of the village with the region.

#### 7.2.5 Social infrastructure

The investment has no impact on social infrastructure.

#### 7.2.6 Cultural and historic sites

Monuments and sites subject to conservatory protection will not be affected by negative impacts.

#### 7.2.7 Technical infrastructure and structures located on the properties

Szczytna:

No major interference with the technical infrastructure is planned. Parts of the networks will be relocated only in places colliding with the works.

It is assumed the structures (outbuildings, sheds, garages) located on the properties, not colliding with the planned works, will be preserved. No objects were identified at the stage of preparing this LAAP that would collide with the works.

Polanica-Zdrój:

No major interference with the technical infrastructure is planned in the area of Polanica-Zdrój. Parts of the networks will be relocated only in places colliding with the works.

It is assumed the structures (outbuildings, sheds, garages) located on the properties, not colliding with the planned works, will be preserved. No objects were identified at the stage of preparing this LAAP that would collide with the works.

In the event that the demolition of technical infrastructure (e.g. infrastructure remaining in the ground and not inventoried on the maps and that cannot be established before the start of the project) or of structures located on properties (occurrence of unpredictable physical conditions at the project site) occurs at the stage of the works, demolition will be carried out and compensated in accordance with the principles described in this LAAP.

#### 7.2.8 Natural resources

Natural resources such as springs of mineral water will not be subject to adverse impacts due to our Project.

### 7.3 SUMMARY OF SOCIO-ECONOMIC STUDIES

Permanent and temporary occupation as well as permanent and temporary restrictions on the land on which the Project will be implemented will be relatively minor. The land use will not change. Hence, the social and economic costs to be borne by the representatives of the community of all towns should be considered relatively low compared to other undertakings of this type. This is also shown by the survey data collected from property owners. The vast majority of them do not oppose the Investment execution, sometimes even arguing that flood protection measures are justified.

The majority of the surveyed property owners also do not perceive that the Investment would adversely affect their quality of life. What is more, it can be cautiously concluded considering the above-mentioned statements of the respondents emphasising that the activities carried out as part of the Investment will provide them with the expected protection against periodically rising water in the river, that a large part of the property owners expect rather a positive impact on their quality of life.

The Investment implementation also does not appear to be at risk due to the scale of potential social conflicts. Indeed, the surveyed property owners declare that the payment of monetary compensation for the Investment implementation will constitute a sufficient compensation, and will not expect the Investor to take additional measures to compensate for any difficulties in the implementation of the Investment.

However, irrespective of the data presented above, it should also be stressed that in the absence of detailed data on the livelihoods of the households affected by the Investment implementation, it is not possible to state unambiguously whether the planned project will have a significant impact on them. However, it can be concluded that the impact will not be negative - rather it will be characterised by a neutral impact, and for some property owners it will be positive in nature.

To sum up the studies conducted both in the form of a survey and field research, it should be concluded that the Investment execution will not entail significant negative effects for the owners of the said properties. The owners have welcomed the fact of the Investment implementation with understanding, and in some cases even with favour, stemming from the fact that they have expected such measures.

The comments submitted by property owners during the individual meetings and consultations have been analysed and forwarded to the designers. The design team has scrutinised again the scope of permanent occupation and minimised them to the extent possible. Moreover, the persons responsible for the Project execution and for the creating and implementing the LAAP remain in constant contact with the PAPs so that their comments can be considered during the Investment implementation and to respond on a regular basis to any difficulties arising from the works.

It should also be accented that some of the property owners/co-owners expect the Investor to restore the land - on which the investment is to be put into life - to its state from prior to the commencement of the investment.

The reason for the relatively widespread support for the Investment implementation is the fact that there are no public utilities located in the areas covered by the planned works, the liquidation or

relocation of which would be felt by representatives of the local community, not being the owners of the real properties covered by the investment scope.

Therefore, given the size of the Investment and its importance in enhancing the safety, both from potential flood and local swellings, it should be considered that the economic and social costs to the local community will be small.

ATTENTION: the socio-economic research and the socio-economic study are not subject to publication owing to personal data protection

#### 7.4 THE NEED TO UPDATE THE SOCIO-ECONOMIC STUDY

As a result of the state of the SARS-CoV-2 virus epidemic, the problem was the lack of possibility to perform field tests and direct contact with property owners. It was decided to carry out the studies by the correspondence method in order to gather information. Property owners were sent out packages of documents by the Polish Post Office, with the possibility of sending back the interview questionnaire at no cost. The limited number of responses received (completed surveys) may result in the need to update the socio-economic study, limited however to the PAPs who did not participate in the survey. It will be necessary to update the LAAP in connection with issuing the IPIP if the investment implementation area changes (widens).

Since the state of epidemic emergency has been extended until 31/12/2022, the update of the socioeconomic study can take place after this period.

## 8 Valid legal regulations and valuation methodologies

This LAAP for Task 2B 2/2 (a): Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny is based on the provisions of Polish law, and also, on account of the financing, inter alia, from a World Bank loan, also on the World Bank's Operational Policy OP 4.12 Involuntary Resettlements.

The Loan Agreement between Poland and the World Bank is an act of international law, and through its conclusion Poland undertakes to apply the World Bank's policies.

In case of discrepancies between Polish law and WB policies, the provisions which are more beneficial to the affected population are applied, and where national legislation is not in line with the WB policies, the corrective instruments outlined in chapter 8.3.4 of this LAAP will be applied to fully implement OP 4.12.

### 8.1 OBLIGATIONS ARISING FROM OP 4.12

OP 4.12 is applicable if the Project execution requires the following:

- 1) the involuntary occupation of land resulting in:
  - a) relocation or loss of the place of residence,
  - b) loss of assets or access to assets,
  - c) loss of income sources or reduction of the standard of livelihood
- 2) the involuntary restriction of access to parks and protected areas resulting in adverse impacts on the livelihoods of the project affected persons.

OP 4.12 sets forth the following obligations:

- Involuntary resettlement should be avoided where feasible, or minimised, exploring all viable alternative project designs, and where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed so as to minimise their scale and impact;
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the Project. Support should be offered to social groups affected by resettlements in order to improve their economic status, income and livelihood, or at least restore their status;
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period;
- Lack of a legal title to the ground should not bar compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- The communities should be given an opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled should be assisted in integration with the host community;
- Process of resettlements should be closely linked to the schedule of the main investment so that the resettled people receive compensation before the construction or other activities covered by the projects begin;
- Monitoring of resettlement is required as well as evaluation of its efficiency;

- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. Farms that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;
- For losses that are hard to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant resources and income opportunities.

## 8.2 POLISH LEGAL REQUIREMENTS

The most important normative acts associated with acquiring rights to properties required to perform the Task are:

- Constitution of the Republic of Poland,
- Civil Code,
- Special Flood Act,
- Real estate management act.

The Civil Code regulates the legal relations between physical persons and legal persons, including those related to concluding property sale agreements. Here the principles of the freedom to draw up the wording of the agreement and freedom to decide whether and with whom to conclude such an agreement are effective. Unanimous declarations of the parties dictate conclusion of an agreement. The Civil Code sets forth a particular form for concluding agreements, the subject-matter of which constitutes a property. Under pain of nullity these should be concluded in the form of a notarial deed.

### 8.2.1 Property acquisition under the Special Flood Act

Pursuant to the Special Flood Act, expropriation of a property or a part thereof, as well as permanent and temporary restrictions in the manner of use of a property or part thereof is set forth in the IPIP issued by the Province Governor. Expropriation takes place the moment the IPIP becomes final.

On account of a transfer of property ownership for the benefit of the State Treasury, the property owner or its perpetual usufruct holder are entitled to financial compensation or such of the "land for land" type. The Special Flood Act does not indicate a particular preference as to the disbursement of compensation in the "land for land" form; rather financial compensation is foreseen under an assumption that it facilitates purchase of a similar property at market prices.

An amount of compensation is determined for each property by way of individual agreements between the investor with the existing owner or perpetual usufruct holder. These agreements are prepared on the basis of an independent and objective assessment of a valuation prepared by a property valuer who holds an appropriate professional licence (professional official permission to value property). They specify the amount of compensation, the time limit and the manner in which it is to be paid.

The amount of compensation is determined for the real estate in the condition as of the date of issuing the IPIP, but in reference to real estate value as of the date on which the amount of compensation is determined.

However, if the agreement is not reached within 2 months from the date of issuing the final IPIP, the amount of the compensation is determined by the Province Governor (regional authority). Before issuing decision on the amount of compensation, the Province Governor appoints an independent property valuer. The party has also the right to property valuation prepared by a valuer in the proceedings before the Province Governor. In such case, the Province Governor has to account for the opinion presented by the affected party in the decision determining the amount of compensation. If the affected party files remarks and motions in the proceedings, the Province Governor has to refer to them during the proceedings and subsequently in the issued compensation decision.

An appeal to the authority of higher level i.e. to the relevant minister, can be lodged against the decision issued by the province governor.

In case of appeal from the decision establishing the amount of compensation, the expropriated party may file a motion for paying the compensation in the amount stated in the contested decision. In such case the compensation is paid as stated, which does not influence the appeal proceeding.

The decision issued in the appeal proceeding may be further contested to the Regional Administrative Court within thirty days from the date of delivery of judgement to the complainant. A party has the right to lodge a cassation appeal with the Supreme Administrative Court against the judgement of the provincial administrative court within thirty days from the date of delivery of a copy of the judgment with substantiation to the party.

### 8.2.2 Determining permanent restrictions to property management under the special flood act

In order to initiate the proceedings to issue the IPIP, a request is required by the Investor who is obliged to, inter alia, indicate the properties or parts thereof constituting a part of the investment, which are indispensable for its functioning, but which do not become property of the State Treasury, which are subject to permanent restrictions applied to their use (hereinafter PR). Such a request has to be considered and, pursuant to the findings of the administrative body, disclosed in the IPIP decision issued by the Province Governor (Article 9(5)(b) of the Special Flood Act).

Another permanent restriction (PR) category stemming from the IPIP, not necessarily resulting from the Investor's request, will take into account the areas of a direct flood hazard and areas subject to a potential flood hazard or a particular flood hazard, as long as such have been determined (Article 9(8)(f) of the Special Flood Act). Such properties will not be subject to permanent change to the manner in which they are managed and in principle the owner (perpetual usufruct holder) will be able to use them in a manner similar to that before investment implementation, however - after the completion of the task - always with certain functional restrictions.

These restrictions and the associated inconveniences, restrictions to the property's economic and market potential (e.g. building prohibition, prohibition to plant trees, to conduct agricultural activity, etc.) have a negative effect on the property's market value and have to be compensated by way of an appropriate compensation. In an extreme case where the property is no longer usable by its owner



(perpetual usufruct holder), they may, on the basis of Article 22(2) of the Special Flood Act, by submitting a request within a defined deadline, pursue a civil and legal path to demand its purchase. If that path is not taken advantage of, the administrative path remains open, determining an appropriate compensation.

The Special Flood Act does not define what the PR entail and does not identify the administration authority which is competent to determine the compensation on that account pursuant to an administrative procedure. Such a state, that is the lack of clear provisions of law identifying the competent authority, is caused by an evident legal loophole and authorises to apply a legal analogy in administrative proceedings with the provisions of the Act of 10 April 2003 on the particular principles for preparing and executing investments within the scope of public roads (consolidated text in Journal of Laws of 2020, item 1363, as amended) pertaining to issuing permits to perform road investments) with reference to the Ruling of the Supreme Administrative Court in Warsaw of 9 November 2012 (case ref. I OW 142/12). The Court, in identifying the Province Governor as the competent authority, unambiguously states that "The authority competent to determine the compensation is the authority, which issued the permit to perform the road investment (...). As it is impossible to accept that the legislator splits the competences for determining the compensation for the consequences of that same decision depending on the subject."

It should also be assumed that there may be a necessity for applying Article 30 of the Special Flood Act, according to which "the provisions of the real estate management shall apply respectively" to the extent not regulated in these Acts and when enforcing that instruction, the procedure shall be based on the provisions of the RPM law.

As a result, with reference to PR compensation, procedures and valuation principles described in this LAAP will be applicable, pertaining to determining and disbursing compensation for expropriation of property or part thereof.

### 8.2.3 Temporary property occupation under the Special Flood Act

In accordance with the Special Flood Act, if necessary, the IPIP may also specify temporary restrictions on the use of the property which is not transferred to the State Treasury (Article 9(8)(f) of the Special Flood Act).

After completing the execution of the above-mentioned activities (e.g. after the construction of technical infrastructure facilities) and after the expiry of the period for which the permit for temporary occupation of the property has been granted, the property should be restored to its previous state. If it is not possible to restore the property to its previous state, compensation for the losses incurred in this respect is payable corresponding to the value of the damage suffered (Art. 128(4) of the RPM). If, as a result of failure to restore the property to its previous state, the value of the property decreases, the compensation shall be increased by the amount corresponding to that decrease.

## 8.2.4 Special procedures

Pursuant to Article 133 of the RPM Law, an Investor deposits the compensation amount in a court deposit pursuant to a Province Governor's decision obliging the Investor to pay the compensation into the deposit. That is considered tantamount to the satisfaction of the payment. It takes place only two cases:

- 1) when the person entitled refuses to accept compensation or the payment thereof encounters impediments difficult to overcome (e.g. lack of legal capacity of the creditor, his prolonged absence in the country in the absence of the establishment of a proxy, natural disasters, martial law), and
- 2) when the compensation for expropriation pertains to property with an unsettled legal status (see a ruling by the Regional Administrative Court in Lublin of 25 February 2005, files ref. II SA/Lu 884/04).

Submission to a court deposit has the same effect as the fulfilment of performance. As per OP 4.12, a PAP does not incur any costs within this scope.

## 8.2.5 Purchase of "remnants"

If part of a property is acquired, and the remaining section is not suitable for the correct use for existing purposes (the so called "remnant"), the Investor - upon a request of its owner or perpetual usufruct holder - is obliged to purchase that part of the property (pursuant to Article 23(1) of the Special Flood Act). These provisions are in line with OP 4.12, which requires minimizing negative impacts of resettlement (see section 8.1 LAAP), and providing adequate compensation when the remaining property is no longer viable for its current or intended use.

A request for the purchase of "remnants" may be submitted before issuing the IPIP, but the property purchase may take place only after issuing the IPIP and once the decision has become binding and final, when the property is divided and ownership of the expropriated part is transferred.

Remnants will be acquired by way of civil law agreements after the IPIP is issued and becomes finally binding for the Tasks pursuant to the following procedure:

1. The owner / perpetual usufruct holder of the property submits a request including:
  - a. a justification indicating why the part of the property remaining after the acquisition is not suitable for the existing purposes,
  - b. indication of the remnant on the land register map attached to the request or the topographic map or property division.
2. Evaluation of the submitted application by the commission appointed by the Investor. The commission should include a representative of the team for LAAP monitoring and implementation, and experts in technical issues and in property management issues. A representative of the Consultant for LAAP may attend meetings of the commission and has advisory competences.
3. A decision about purchase or refusal to purchase is made promptly but not before the IPIP decision is issued and becomes final and binding. A prerequisite for efficient processing of the application is its completeness.

4. A decision about purchase or refusal to purchase is made in full accordance to OP 4.12 requirements indicated in section 8.1 as well as to polish law.
5. Notification of the applicant on the decision pertaining to purchase / refusal to purchase the remnant.
6. Preparation of a valuer's report establishing the value of the "remnant".
7. Negotiations with the owner/perpetual usufruct holder as to the compensation amount.
8. Conclusion of a property purchase agreement (purchase of the remnant) in the form of a notary deed.
9. Compensation disbursement.
10. In case the property is not qualified for purchase under the "remnant" procedure, the owner has the right to demand the purchase by means of an action before a common court.

### 8.3 ADOPTED MECHANISMS OF OBTAINING RIGHTS TO PROPERTIES<sup>1</sup>

#### 8.3.1 Permanent seizures

The Investment for which this LAAP is prepared is characterised with numerous permanent seizures of very small proportions of land. Taking into account the time required to prepare an individual property appraisal report for each of the small portions of real properties together with the relatively long period of awaiting for the compensation decision from the Lower Silesia Provincial Governor, drove the Investor apply a non-standard procedure. In this procedure, the Investor hired an ex-ante assessment of the values of land within the areas to be expropriated in order to prepare estimated amounts from which an initial compensation amount could be established for final assessment by the Provincial Governor.

Due to the formal and legal regulations for the Task, mechanisms for acquiring property will be applicable stemming both from the Special Purpose Flood Control Act, and the civil code (with reference to remnants). In order to minimise the negative impact of ownership loss by the PAP, a preventive procedure described hereinabove has been suggested.

In accordance with the provisions of the special purpose flood control act, plots are acquired within the scope of the expropriation procedure. In any case, the Investor's priority will be to obtain an agreement with a PAP concerning the terms of real property acquisition (form of compensation, date of property acquisition, terms of use after issuing the IPIP, etc.).

As - due to the number of properties to be expropriated - the deadline provided for in the Special Purpose Flood Control Act is too short for expert valuers to prepare reliable opinions on the amount of compensation, individually for all properties, the Investor assumes that the amount of compensation will be determined by the Province Governor by way of an administrative decision.

In order to promptly provide PAPs with compensation for the expropriated property, the Investor assumes to pay advances for the compensation in an amount corresponding to the property value

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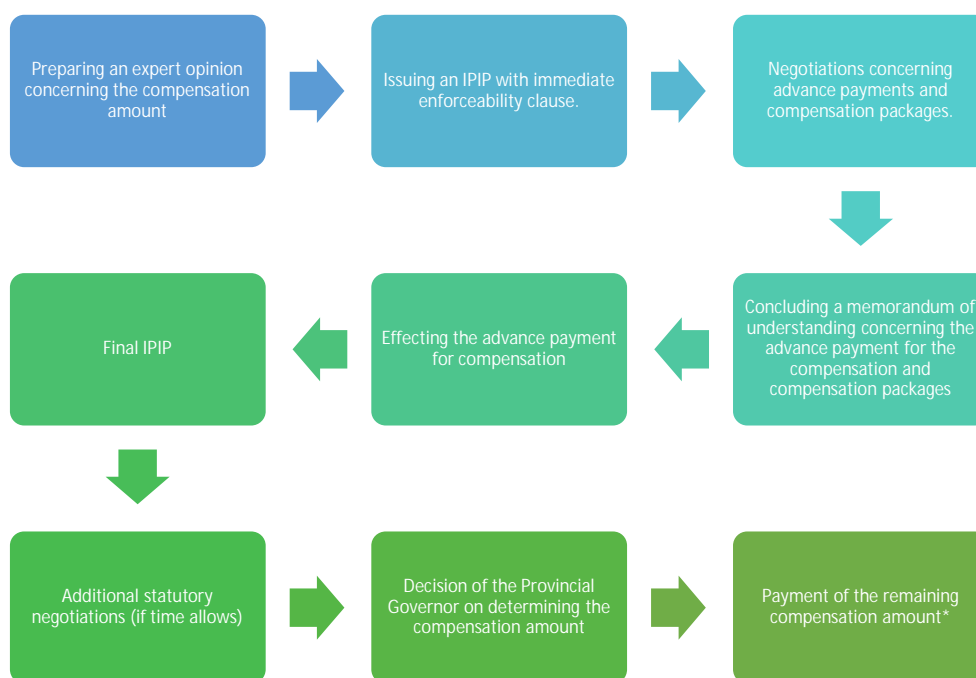
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determined on the basis of an expert valuer's report on the entire real estate market in the area of LAAP implementation, yet before the IPIP finality clause. Pursuant to the Polish law regulations, such expert valuer's report cannot be a basis under which the final compensation value for the property is determined. A basis for the compensation disbursement can only be an opinion by an expert valuer concerning, individually, a specific property. Such opinion will be prepared during the proceedings before the Lower Silesia Provincial Governor.

That is why the advance payments for the compensation will be effected in the amount of 70% of the property value, estimated in the report on the real property market, in accordance with a special preventive procedure. Accepting the compensation disbursement amounting to 70% of the property value estimated in the report will make it possible to take into account the risks resulting from possible differences between the general report by the expert value concerning the average value of comparable properties on the local market and the detailed property appraisal report prepared by the expert values for particular properties during the proceedings before the Province Governor. At the same time it is beyond any doubt that the compensation amount determined in the opinion of the expert valuer, appointed by the Lower Silesia Province Governor, will not be lower than 70% of the property value estimated in the expert report by RZGW WR. On that account the compensation amounting to 70% of the property value estimated in the expert report by RZGW WR will constitute the compensation due to the PAP and can be acknowledged as such, both by the PAP and the Investor.

The Investor will suggest a payment of the due compensation for the seized property, yet before issuing the case-related final administrative decision. This will be a proposal for payment of 70% of the value of the property as determined in the report by the expert property valuer, prepared at the request of the Investor, presented to the PAP. This amount will be secured by the PIU so that it can be paid out at any time upon request of the PAP and after signing a relevant agreement to that effect. The acceptance of this payment does not mean that the PAP acknowledges the amount of the compensation determined in the above-mentioned opinion and will not have any negative impact on the administrative proceedings conducted by the Provincial Governor or any other authority to determine the amount of compensation for the expropriated property. The remainder of the compensation will be settled and paid to the PAP (in the event that the value exceeds the compensation proposed by the investor) after receiving a final decision establishing the amount of compensation, up to the amount determined in that decision.

If the IPIP is changed, fully or partially revoked, or its invalidity is stated, yet advance payment was effected, the PAP or their inheritor will be obliged to return the advance, including indexation as on its return day.



\* If compensation determined by the Provincial Governor is higher than the effected advance payment (including the remaining 30% payment and any additional compensation if the property value is determined to be higher by the Provincial Governor than the amount upon which 70% was calculated for the advance payment).

Hence, if the PAPs accept the earlier payment of the compensation obviously due, this will not have a negative impact on them. On the other hand, if this procedure is employed, the inconvenience for PAPs is reduced of waiting for a long time for an administrative decision of the competent authority determining the amount of compensation and thus its payment.

An expert valuer's report on the real estate market in the area of LAAP implementation consists of analyses of groups of properties within the relevant real estate market based on different types of properties and locations. Groups of properties will be distinguished based on the similarity of individual properties, in particular with regard to the type, location and condition of the property, its existing use, manner of use and other features which, in the opinion of property valuers, affect the value of the property. All available and necessary data on the real estate are used when preparing an analysis, contained in particular in the land registers, the real estate cadaster, local special development plans and the taxation maps drawn up by the bodies keeping the real estate cadaster. This cadaster is based on an assessment of the representative real estate market made by property valuers. In particular, the ranges of transaction prices of properties similar to the identified groups of properties will be calculated according to their existing use and the permitted use.

The undisputed part of the compensation will be paid before the physical commencement of works, based on the agreements concluded with PAPs (70% of the real property's value determined in the expert opinion of a chartered auditor). After the Lower Silesia Provincial Governor issues the final decision establishing the amount of compensation, the Investor immediately pays the compensation in the amount established in the decision, less the amount of the undisputed part of the compensation (70% of the real property's value determined in the expert opinion of a chartered auditor) already paid by the Investor.

If the PAP accepts the undisputed part of the compensation before the Lower Silesia Provincial Governor issues a decision establishing the amount of compensation, this does not affect the rights of the PAP during the administrative proceedings or the possibility to file a complaint to the administrative court.

### 8.3.2 Reconstruction of infrastructure

An owner of power lines, gas lines and telecommunication lines intended for disassembly will receive compensation in the form of a new transmission device (transmission network) constructed on other properties in place of those dismantled. On properties where the new transmission devices will be constructed, the TO will be introduced for managing this property or transmission easement will be determined for the benefit of the transmission operator, who owns the dismantled and reconstructed network. In accordance with Article 305<sup>1</sup> of the CC, the essence of transmission easement is encumbering the property with the right to use that property within the scope defined by the intended use of transmission devices. Such encumbrance includes access, use by existing exploitation, performance of controls, inspections, maintenance, upgrades, refurbishments, fault repairs, replacement of equipment located on the given property within the scope required to ensure correct and uninterrupted operation of the transmission network of the operator (cf. the SC's ruling of 18 April 2012V CSK 190/2011, LexisNexis no. 3971510).

The primary method for determining transmission easement is an agreement between the property owner and the operator. The property owner may demand an appropriate remuneration in exchange for agreeing to establish transmission easement. If the property owner refuses to conclude an agreement, then transmission easement may, upon the operator's request, be established by a court of law in exchange for appropriate remuneration, by ways of non-judicial proceedings, similar to the right of access easement. The remuneration is determined by the court, usually aided by an expert, guided by the type of equipment and the associated manner of property use by the entitled party and the impact these devices have on restricting the exercise of ownership on the property. The same right is due to a property owner if an entrepreneur refuses to conclude an agreement to establish distribution easement required to use the devices in question. The Act does not define whether the remuneration is to be one-off or regular, which means an opportunity to select an equivalent payment for the benefit of the owner.

### 8.3.3 Temporary occupation

All temporarily acquired properties will be restored to their original states. Hence, these plots will be acquired on the basis of a plot acquisition protocol. Before starting the works on the property, the Contractor will be obliged to produce photographic documentation of the condition of the occupied property. The Investor and his representative - the Engineer will supervise the works and the restoration of the property to its previous condition.

Once the execution of construction works is finished by the Contractor and the plot is restored to the previous state, it will be handed over to the PAP with a return protocol. It needs to be underlined that the restoration of the previous state does not, however, consist in removing the reconstructed networks from the properties, but in restoring the development of the properties and the structure of

their land as it had existed before the reconstruction was undertaken, taking into account the fact that the reconstructed land development networks remain on the properties.

Only when restoring the property to its original state is not possible or causes excessive difficulties or costs, then the owners and perpetual usufructuaries of these properties are entitled to claim compensation for damages resulting from the performed reconstruction, e.g. lack of reconstruction of objects existing before the reconstruction or planting. In addition, a claim for damages may also include the fact that the value of the property has decreased as a result of the reconstruction.

Compensation will be paid under an agreement concluded between the parties. In those cases where no agreement can be reached on the amount of compensation for temporary occupation of the property, the undisputed portion of the compensation will be paid prior to the commencement of works on the PAP's property. In such a case, PAP will be entitled to apply to the Lower Silesia Province Governor, free of charge, to determine the final amount of compensation. The Investor will inform the PAP of its entitlement in this respect.

After the Lower Silesia Province Governor issues the final decision establishing the amount of compensation, the Investor immediately pays the compensation in the amount established in the decision, less the amount of the undisputed part of the compensation already paid by the Investor.

If the PAP accepts the undisputed part of the compensation before the Lower Silesia Province Governor issues a decision establishing the amount of compensation, this does not affect the rights of the party in administrative proceedings or the possibility to file a complaint to the administrative court.

#### 8.3.4 Instruments correcting differences between OP 4.12 and Polish law

The provisions of OP 4.12 contain a number of provisions that need to be analysed and where corrective instruments need to be presented - so that OP 4.12 is fully implemented within the Project. Thus, this LARPF analyses the inconsistencies between Polish law and OP 4.12 and proposes some corrective instruments. These are presented in the table below.

The LARPF identifies a number of inconsistencies between OP 4.12 and Polish law:

OP 4.12	Polish law	Corrective actions	
<p>Lack of a legal title to the land should not bar the receipt / disbursement of compensation. People without legal title are eligible for compensation.</p>	<p>The Polish legal system does not account for the right to compensation for land owners/users who do not hold a legal title to it (with the exception of people whose legal title to a property was lost or who acquired the right to the property through usucapion, i.e. a method for gaining ownership of property by uninterrupted possession of the property for a period defined in legislation).</p>	<p>For persons who do not hold a legal title to a property affected by the consequences of Task performance, each such case should be considered in accordance with its own merits, in terms of possibilities to apply the general mechanisms stemming from the Civil Code to achieve OP 4.12 objectives.</p> <p>According to OP 4.12, project affected persons who do not hold a legal title to the property are not entitled to receive financial compensation for the property. However, they are entitled to receive compensation for all objects, crops and property improvements performed before the cut-off date and for appropriate solutions in cases where they will have to be physically or economically displaced. In such cases appropriate mitigating measures can be applied.</p>	
<p>WB Policy requires compensation for the loss of income (e.g. from business or agricultural activity, etc.) in conjunction with property acquisitions for the needs of the planned Task.</p>	<p>Provisions of Polish law do not foresee compensation on account of a loss of income as a result of Task performance.</p>	<p>Persons who lost income or employment will receive support (health insurance, vocational training etc.) from job centres.</p> <p>For businessmen, apart from the civil code mechanism it is possible to apply general Civil code mechanisms (compensation for the incurred loss and lost profit).</p>	
<p>Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mothers, children and ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).</p>	<p>The project will grant to the affected people help in obtaining assistance from offices and institutions.</p> <p>Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.</p>	
<p>WB Policy requires additional compensation of expenses incurred by PAP (as a result of physical relocation i.e. transport of materials) and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.</p>	<p>In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.</p>	



OP 4.12	Polish law	Corrective actions	
<p>The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the investment.</p>	<p>The Special Flood Act allows for occupying the land and commencing works before the compensation is paid.</p>	<p>In all cases, no work will begin until there is documented evidence that the project-affected person has been informed well in advance, compensation has been paid and it has granted permission to enter the land. If a compensation case is referred to a public administration body for examination, the procedure described in section 8.3.1 may be followed.</p> <p>The only exceptions are cases where appeal proceedings have been initiated due to negotiation failure, owner absence or the impossibility of determining the owners (in such a case, the amount will be transferred to a court deposit and placed in a court's escrow account), and where the State Treasury, a local government unit or another public entity is the beneficiary.</p> <p>To minimise the risk of starting works before compensating for losses, conduct land acquisition well in advance of starting construction works.</p>	
<p>Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value).</p>	<p>Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of similar property on the local market.</p>	<p>The valuation of the real estate will be conducted by an independent and experienced valuer. Expert opinion should be verified by PIU. The expropriated party should be granted proper amount of time to get familiar with the valuer's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent valuer in the proceeding with the Province Governor.</p> <p>In all cases effective replacement value will be achieved.</p>	

OP 4.12	Polish law	Corrective actions	
It is required to prepare a socio-economic study, LAAP, and to monitor compensation funds, resettlement and livelihood restoration measures as well as evaluation of their efficiency.	Provisions of Polish law do not provide for obligation to prepare a socio-economic study and to prepare a LAAP. There is no obligation to monitor and evaluate their implementation.	Socio-economic studies and LAAPs will be prepared based on the LARF in line with OP 4.12 and good practices.	

## 8.4 VALUATION PRINCIPLES<sup>2</sup>

The owner, holder of perpetual usufruct of the property or a part of the property, on which the flood protection investment is carried out, is entitled to compensation for the transfer of ownership of the property to the State Treasury or a local government entity.

OP 4.12 provides for that in all cases compensation must meet the principle of replacement value, which means the market value of the property and related assets (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a valuer or by a team of valuers (including e.g. an agricultural expert) as required.

According to OP 4.12, with regard to land and structures, “replacement cost” is defined as follows:

- a) for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus any registration and transfer taxes;
- b) for properties in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and;
- c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration and transfer taxes.

With reference to properties expropriated for the needs of Task implementation, principles as set forth in par. a) and b) shall be applicable.

In consistency with OP 4.12, when determining the replacement value, neither the degree of wear and tear of the property nor the value of benefits resulting from the Project and deducted from the valuation of the assets affected by the Project should be taken into account.

Therefore, where Polish legislation does not take into account the need for compensation corresponding to the replacement value in the standard required by OP 4.12, if such a need arises, the

<sup>2</sup> Chapter content according to LARFP

compensation will be supported by additional measures ensuring that the compensation is carried out in the standard of compensation according to the replacement value.

Compensation shall be payable at the amount decided by the competent authority. The compensation amount determined on the IPIP issuance date is subject to indexing as on disbursement day, according to the principles applicable for return of the expropriated properties.

NOTE:

Valuation methods are determined by a legal act having the rank of a resolution, i.e.: Regulation of the Council of Ministers of 21 September 2004 on evaluation of properties and on development of an estimate study (Journal of Laws consolidated text of 2021, item 555), containing details of valuation methods and techniques.

#### 8.4.1 Determining the amount of compensation

In accordance with Polish law, the amount of compensation is determined on the basis of the market value of the property. While ascertaining the market value of the property, the following factors in particular are taken into consideration: its type, location, use, endowment with existing technical infrastructure, property condition and current market prices. The market value of a property is determined according to its current use, if the use of the property, consistent with the purpose of the investment, does not increase its value. If the data from the local or regional property market allow the valuer to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the property's value, its market value is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional property market does not allow the valuer to ascertain the market value of the property, they should ascertain the replacement value of the property on the basis of the cost approach.

Should the current owner or holder of perpetual usufruct of the property covered by the IPIP release this property or releases the property and empties the premises and other premises not later than within 30 days from the day of:

- delivery of the notice of issuing of the IPIP decision,
- delivery of the resolution of issuing of the IPIP decision with immediate enforceability status,
- in which the IPIP decision became final,

the amount of compensation is increased by an amount equal to 5% of the value of the property or the value of the right of perpetual usufruct, on the terms specified in the Special Flood Act.

#### 8.4.2 Valuation of movable assets

Movable assets will also be compensated in cases where:

- a) they are not fit for use for the purposes of the new location, and/or

b) the protect affected persons will no longer use it as a result of the resettlement (e.g. moving from a rural to an urban dwelling).

Currently no structures permanently attached to the property have been identified, which will not be suitable for use at a new location or due to the expropriation.

#### 8.4.3 Valuation of plants and crops<sup>3</sup>

The valuation of tree stand or tree cover, if the tree stand includes usable resources, will involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation.

The valuation of fields of perennial plants involves the valuation of the costs of establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation. When determining the value of sowings, crops and other annual harvests, the value of the forecast yields at marketable prices is estimated, reducing it by the value of the inputs needed for harvesting such crops.

The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

#### 8.4.4 Valuation of remaining assets

The remaining assets related to the property are civil profits, that is income from the property gained on the basis of a legal relationship. When valuating rights under contracts (including the rights of lease, usufruct, tenancy, lending and life annuity) and their impact on the property, the valuer may in particular consider the following elements:

- type, nature, scope and duration of the contract,
- relevant provisions of the law,
- form of payment,
- type and amount of other payments,
- method and dates of payment of rent and other payments,
- rights and obligations arising out of contracts,
- the parties' claims related to the settlement of expenditures on the property, and
- available information concerning the valuated property and the particular section of the market involving obligations.

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<sup>3</sup> Chapter content according to LARFP

## 9 Eligibility criteria and entitlement matrix

### 9.1 ELIGIBILITY CRITERIA<sup>4</sup>

In line with the Policy of the World Bank, the following three groups of people are eligible for compensation and assistance in connection with land acquisition resulting in loss of assets and economic and/or physical displacement:

- (a) those who have formal legal rights to land or others assets affected by the Project impact (including customary and traditional rights);
- (b) those who do not have a formal legal right at the time the census begins for residents but have a claim to such land or assets - provided that such claims are recognised under the laws of the country or become recognised during works over the LAAP;
- (c) and those who have no recognisable legal right or claim to the land they are occupying.

Persons under paragraph (a) or (b) above should receive compensation for the land they lose, and other assistance. Persons under paragraph (c) should be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of OP 4.12, if they occupy the Project implementation area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in paragraphs (a), (b), or (c) are provided with compensation for loss of assets other than land.

Thus, the lack of a title in land as such should not preclude the eligibility for compensation or other assistance offered in connection with the involuntary acquisition of land.

It should be emphasised that in this case there is no group of people considered as a part of the group without a legal title to land.

When it comes to assessing the impact on PAP, it is described in Chapter 6.1 Social impacts.

### 9.2 CATALOGUE OF BENEFICIARIES<sup>5</sup>

After conducting the socio-economic survey, the following groups of people entitled to compensation were identified:

- PAPs having ownership or perpetual usufruct of the property on the Project area;

PAPs being legal possessors of property in the project's area shall receive full compensation.

The following categories of persons entitled to compensation and assistance were not identified:

- PAPs being lessees, tenants, life annuitants and other dependent possessors of property in the Project's area;
- PAPs being possessors of limited property rights in property;

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<sup>4</sup> Chapter content in accordance with the LARFP

<sup>5</sup> Chapter in accordance with the LARFP

- owners of crops, plants, structures and other constructions attached to the land, and not being owners or perpetual usufructuaries of the land,
- residents of houses and flats subject to resettlement,
- PAPs who lose their income, pay or ability to carry out business activity due to the Project's implementation,
- PAPs being illegal possessors of property in the Project's area who have no legal title and no expectant right to obtain a legal title.

PAPs will be entitled to receive compensation for the following categories of impacts/losses:

- Permanent loss of land – as PAPs did not express an intention to receive compensation in the form of “land for land”, or if only a small part of the plot is subject to occupation, the compensation will be paid in cash and will correspond to the market value of the expropriated property or any part thereof. In addition, for the immediate release of the property it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property under the terms of the Special Flood Act.  
PAPs not being owners or holders of perpetual usufruct rights, but having legal title to the property (e.g. tenants, lessees) will receive compensation corresponding to the value of the expropriated rights. At the request of the PAP, the Investor may take over the property in its entirety and compensate for the acquisition of the property according to the aforementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the Investor. PAP who possesses properties within the area covered by the project without any legal title (illegally) shall not be granted any compensation for the expropriation of the land. In such case, PAPs are entitled to compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood;
- Permanent restriction of current land use as a rule, it will be compensated in cash, taking into account the loss of the market value of the property. Depending on the case, specially selected protective measures will also be offered. At the request of PAP, the property, where permanent restriction of use of property for project purposes is to occur, is expropriated and PAP will receive compensation under the terms applicable to the permanent loss of the property;
- Buildings and non-residential structures (garages, fences, technical infrastructure) – as a rule, owners and users of these buildings and structures are compensated on the basis applicable to the permanent loss of property. Within the framework of the protective measures, the Investor will propose the reconstruction of infrastructure networks - and where appropriate – of structures and buildings at the investor's expense. In addition, in case of local government units which have implemented or are implementing the affected buildings and structures with the use of funds from the budget of the European Union or other foreign sources, financial compensation will be increased by the amount of the refundable funds of co-financing together with accrued interest;
- Loss of crops will be compensated to the benefit of PAPs in cash, taking into account the costs of establishing and maintaining the plantings, as well as the value of lost benefits in the period from the date of expropriation until the end of the full yield;

- Loss of tree stand will be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to the estimate of the value of wood that could be obtained;
- Impact on enterprises and employment will be compensated in cash by compensation for the damage actually incurred by an enterprise and a profit lost as a result of the Task. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they will receive unemployment benefits. Both employees as well as contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and, possibly, help in the form of retraining vocational training aimed at finding new employment;
- Temporary occupation of property will be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the property. Moreover, in the case when due to the temporary occupation of the property PAP incurs a related loss; such a loss will be separately compensated according to the aforementioned principles. After the completion of implementation activities, all properties will be restored to their original state;
- Damage to houses, buildings and structures due to construction works (e.g. vibration, accidents, etc.) will be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules for the payment of compensation to the above influences will be applied.

Detailed catalogue of beneficiaries of compensation is included in Appendix no. 1 to this LAAP.

### 9.3 ELIGIBILITY MATRIX<sup>6</sup>

Impacts/losses	Identification of PAP	Compensation
Permanent loss of land	Owners, perpetual usufruct holders, autonomous holders of properties	<ul style="list-style-type: none"> <li>• compensation in the form of "land for land",</li> <li>• if compensation in the form of "land for land" is not possible or undesirable, cash compensation (the value of compensation / compensation necessary to obtain the replacement cost for lost assets),                             <ul style="list-style-type: none"> <li>• coverage of any transaction costs</li> </ul> </li> </ul>
	Illegal possessor of property	<ul style="list-style-type: none"> <li>• no compensation for loss of property</li> </ul>
	Holders of lien, easement and mortgage established on the property	<ul style="list-style-type: none"> <li>• monetary compensation for lost rights (e.g. easements or mortgages established on property),</li> <li>• for owners of land easements - assistance in finding a solution allowing for the use of their property (which is owned by expropriated property), e.g. in the form of another road necessary to the property                             <ul style="list-style-type: none"> <li>• coverage of transaction costs</li> </ul> </li> </ul>
	Illegal holders of easement	<ul style="list-style-type: none"> <li>• for illegal holders of easement - assistance in finding a solution allowing for the use of their property (which is owned by expropriated property).</li> </ul>
Permanent and temporary restriction in the use of property.	Owners, perpetual usufruct holders, autonomous holders of properties	<ul style="list-style-type: none"> <li>• monetary compensation for losses related to restrictions on the use of property,                             <ul style="list-style-type: none"> <li>• coverage of transaction costs,</li> </ul> </li> <li>• proposing institutional support and advice on other uses of the property,</li> </ul>

<sup>6</sup> Chapter in accordance with the LARFP.



Impacts/losses	Identification of PAP	Compensation
	Illegal possessor of property	<ul style="list-style-type: none"> <li>proposing institutional support and advice on other uses of the property,</li> </ul>
	Illegal holders of easement	<ul style="list-style-type: none"> <li>assistance in finding a solution allowing for the use of their property (which is owned by expropriated property).</li> </ul>
Buildings and non-residential structures (fences, technical infrastructure, etc.)	Owners, perpetual usufructuaries, self-holders of buildings and structures	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets),               <ul style="list-style-type: none"> <li>transfer or reconstruction of lost goods.</li> </ul> </li> </ul>
	Users	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets),               <ul style="list-style-type: none"> <li>transfer or reconstruction of lost goods.</li> </ul> </li> </ul>
	Illegal possessors of buildings and structures	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets),               <ul style="list-style-type: none"> <li>transfer or reconstruction of lost goods.</li> </ul> </li> </ul>
	Tenants, lessees of buildings or structures	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets),               <ul style="list-style-type: none"> <li>transfer or reconstruction of lost goods.</li> </ul> </li> </ul>

Impacts/losses	Identification of PAP	Compensation
Loss of crops	Owners, perpetual usufruct holders, autonomous holders of properties – the number will be determined at the stage of issuing the IPIP decision and valuation report preparation	<ul style="list-style-type: none"> <li>• cash compensation taking into account the costs of establishment and maintenance of plantings and lost crops,               <ul style="list-style-type: none"> <li>• enabling the harvesting of crops</li> </ul> </li> </ul>
	Users the number will be determined at the stage of issuing the IPIP decision and valuation report preparation	<ul style="list-style-type: none"> <li>• cash compensation taking into account the costs of establishment and maintenance of plantings and lost crops,               <ul style="list-style-type: none"> <li>• enabling the harvesting of crops</li> </ul> </li> </ul>
	Tenants, lessees	<ul style="list-style-type: none"> <li>• cash compensation taking into account the costs of establishment and maintenance of plantings and lost crops,               <ul style="list-style-type: none"> <li>• enabling the harvesting of crops</li> </ul> </li> </ul>
	Illegal possessor of property	<ul style="list-style-type: none"> <li>• enabling the harvesting of crops</li> </ul>
Municipal property	Commune	<ul style="list-style-type: none"> <li>• Restoration or replacement of destroyed facilities in consultation with municipalities.</li> </ul>
Temporary occupation of property	Owners, perpetual usufruct holders, autonomous holders of properties	<ul style="list-style-type: none"> <li>• cash compensation or in any other form agreed with the person entitled,</li> <li>• restoring the property to its previous state or as indicated in the contract.</li> </ul>
	Illegal possessor of property	<ul style="list-style-type: none"> <li>• restoring the property to its previous state or as indicated in the contract.</li> </ul>



Impacts/losses	Identification of PAP	Compensation
	Tenants, property users	<ul style="list-style-type: none"><li>• cash compensation or in any other form agreed with the person entitled,</li><li>• restoring the property to its previous state or as indicated in the contract.</li></ul>

Details pertaining to eligibility of beneficiaries are shown in Appendix no. 1 to this LAAP.

## 10 Social consultations and participation of the local community

In conjunction with obtaining a loan from the World Bank and the need to implement the principles pertaining to the resettlement process stemming from the OP 4.12 policy requirements, the Investor instigated actions aiming to engage the community in the development and implementation of the LAAP. Engagement of the local community is treated as one continuous process spread out in time, the correct performance of which should facilitate a minimisation of risks associated with the potential social conflict for the Contract.

### 10.1 SUMMARY OF PREVIOUS STAKEHOLDER INVOLVEMENT OF SUBCOMPONENT 2B.

In the period from 05.11.2019 to 12.12.2019, public consultations were conducted in the Kłodzko Land with the aim of informing inhabitants about the planned flood protection investments and possible correction of technical solutions in the scope of Subcomponent 2B - passive flood protection of the Nysa Kłodzka Valley. The consultation included a series of 9 meetings (one in each town where works are planned) i.e.: Duszniki-Zdrój (5.11.2019), Szczytna (15.11.2019), Polanica-Zdrój (18.11.2019), Stronie Śląskie (25.11.2019), Łądek-Zdrój (29.11.2019), Międzyzylesie (2.12.2019), Długopole Zdrój (4.12.2019), Bystrzyca Kłodzka (9.12.2019), Kłodzko (12.12.2019), which were attended, in particular, by representatives of SWH PW, PCU, representatives of local governments and mayors of towns, designers and interested inhabitants. The meetings had an open character and were preceded by an extensive information campaign about their organisation. The scopes of proposed investments within the scope of the implemented project were presented during the conducted meetings and in the second part of the meeting the participants of the consultation could make comments/objections and ask questions.

A Report was produced from the consultations held, detailing the problems/issues raised at each meeting and the proposals for their solution by SWH PW.

As the town authorities were interested in the design works, additional meetings and consultations were held with regard to the acceptance of the design solutions introduced after taking into account the comments and requests of the residents and representatives of local authorities, i.e.:

1. Town of Szczytna (06.12.2019)
2. Town of Kłodzko - (17.01.2020) and (05.11.2020) - teleconference format
3. Town of Bystrzyca Kłodzka and Długopole-Zdrój (13.05.2020) - teleconference format
4. Town of Polanica - Zdrój and Town of Duszniki - Zdrój (22.07.2020)
5. Town of Stronie Śląskie and Town of Łądek-Zdrój (29.07.2020) - teleconference format



## 10.2 IDENTIFICATION OF STAKEHOLDERS OF SUBCOMPONENT 2B

Stakeholder group	Key stakeholders	Area of interest
Natural persons directly affected by the project implementation	Appendix no. 1 List of property owners for 2B.2/2(a) Flood protection of cities along Bystrzyca Dusznicka river: Polanica-Zdrój, Szczytna river Kamienny Potok	Scope and duration of the investment, minimisation of impacts, public consultation, compensation

## 10.3 PREPARATION OF CONSULTATIONS

### 10.3.1 Objectives of the consultation process

The following objectives of the Consultation process have been determined:

- provision of information to the public on the scope as to the subject matter of the investment and information on the anticipated types and scale of impacts,
- identifying the needs and concerns of different stakeholder groups;
- consultations with all persons affected by the Project execution effects, as well as with other stakeholders;
- verifying the correct orientation of the proposed actions;
- maintaining the commitment and willingness of local stakeholders to participate in the Project implementation process;
- enabling stakeholders to actively and effectively participate in the Project development process and to lodge complaints and requests;

The goals have been taken into account and implemented during the public consultations process of the LAAP draft (see: in Item 10.4, The public consultations report - Appendix No. 6)

### 10.3.2 Principles of public consultation

The principles for public consultation adopted in this document were formulated in 2012 under the auspices of the Ministry of Administration and Digitisation. The Seven Principles of Consultation is part of the Consultation Code created by social experts and representatives of the administration during the Internet Freedom Congress workshop, which describes in simple language the most important rules of consultation and practical guidelines for their application. They have been adapted for the purposes of this document.

The principles adopted are as follows:

#### 1. GOOD FAITH

The consultation is conducted in the spirit of civil dialogue. The parties listen to each other, showing a willingness to understand each other's points of view.

#### 2. UNIVERSALITY

Anyone interested in the subject should be able to find out about the consultation and express their views in it.

#### 3. TRANSPARENCY

Information on the purpose, rules, progress and outcome of the consultation must be publicly available. It must be obvious who represents what view.

#### 4. RESPONSIVENESS

Everyone who submits an opinion is entitled to a substantive reply within a reasonable time, which does not exclude collective replies.

#### 5. COORDINATION

Consultations should have a host responsible for the consultation both politically and organisationally. They should be properly empowered in the administrative structure.

#### 6. PREDICTABILITY

Consultation should be carried out in a planned way and on the basis of clear rules.

The goals have been taken into account and implemented during the public consultations process of the LAAP draft (see: in Item 10.4, The public consultations report - Appendix No. 6)

### 10.4 SUMMARY OF THE PUBLIC CONSULTATIONS FOR THE LAAP DRAFT

The draft of the Land Acquisition Action Plan (LAAP) for the Task 2B.2/2(a) Flood protection of the Bystrzyca Dusznicka river valley: Polanica-Zdrój, Szczytna - Kamienny Potok river was subject to public consultations carried out in accordance with the requirements specified in the World Bank's Operational Policy 4.12 - Involuntary Resettlements (OP 4.12). The meetings took place in Szczytna and Polanica-Zdrój. The public consultations were meant to make it possible for private persons, institutions and all the interested ones to review the document and be able to report possible remarks, inquiries and conclusions regarding its content.

After developing the LAAP draft, the document was sent to the World Bank. Due to LARPF update (Land Acquisition and Resettlement Policy Framework) and no significant social impacts related to the Task implementation, changes have been made and the necessity of obtaining the WB's NO (so-called WB's "OK") before publishing particular drafts of the LAAP has been given up.

Considering the aforementioned the LAAP digital version and the Announcement on public consultations was published November 25<sup>th</sup> 2022 in the websites of the institutions:

- Państwowe Gospodarstwo Wodne Wody Polskie , Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [State Water Holding Polish Waters, Regional Water Management Authority in Wrocław]  
<https://wroclaw.wody.gov.pl/nasze-dzialania/projekt-ochrony-przeciwpowodziowej-w-dorzeczu-odry-i-wisly-dokumenty>;
- Biuro Koordynacji Projektu Ochrony Przeciwpowodziowej Dorzecza [Project Coordination Unit of the Odra-Vistula Flood Management Project] <https://odrapcu.pl/projekt-opdow/popdow-dokumenty/> ;
- Urząd Miasta i Gminy w Szczytnej [City and Borough Office in Szczytna]: [www.szczytna.pl](http://www.szczytna.pl);
- Urząd Miejski w Polanicy – Zdrój [the City Hall in Polanica Zdrój]:  
<https://www.polanica.pl/aktualnosci-1-miasto.html> ;
- Urząd Gminy w Kłodzku [Borough Office of Kłodzko] : [www.gmina.klodzko.pl](http://www.gmina.klodzko.pl);

Information about the possibility of getting to know the LAAP content and submitting potential conclusions and remarks, along with specifying detailed contact data (e-mail address, phone number) were published in the local press. The paper version of the announcement was published on 25.11.2022 in Euroregio Glacensis ad in the local Internet portal of DKL24, as well as in the local information portal Kłodzko24. The published Announcement also includes information about the planned date of the social consultations regarding LAAP (along with specifying the date, time, place and purpose of the meeting) ad on the way of reporting remarks and conclusions to the draft of the Land Acquisition Action Plan.

Information poster with details about the pending public consultations was hung on poster pillars. In total 30 posters were hung in Polanica-Zdrój and Szczytna. The posters remained hung until the end of the public consultations period.

Additionally List notifications about public consultations were sent, through registered mail, to all PAPs (Project Affected Persons), with information about the possibilities of getting to know the LAAP content and the open meetings.

Following the 21-days period when the LAAP draft was available for the public, open meetings for all the interested individuals took place.

The first meeting took place in "Relax" holiday centre in Szczytna on December 19<sup>th</sup> 2022 between 16.00 and 17.00. The meeting was participated by 15 people. The list of attendance was made. The meeting as participated by four people from the Consultant's Team, three individuals from PIU - PGW WP RZGW in Wroclaw (Project Implementation Unit of PGW WP RZGW) and two individuals from the Project Coordination Unit. (PCU).

The second meeting took place in Polanica Resort & Spa Hotel in Polanica-Zdrój on December 19<sup>th</sup> 2022 between 18.30 and 20.00. The meeting was participated by 24 people. The list of attendance was made. The meeting as participated by four people from the Consultant's Team, three individuals from PIU - PGW WP RZGW in Wroclaw (Project Implementation Unit of PGW WP RZGW) and two individuals from the Project Coordination Unit. (PCU).

What was presented, in detail, were the issues concerning the compensation procedure and explained, step by step, the entire procedure on determining the compensation for temporary and permanent seizure. Moreover, issues concerning expropriation of real properties or their parts pursuant to the special purpose flood control act and real estate management act were presented. The expert also informed about the way of determining the compensation amount and indicated the differences and advantages resulting from the compensation procedure that is to involve payment of compensation pursuant to the expert opinion. The expert informed that the undisputed part of the compensation would be paid before the physical commencement of works, based on the agreements concluded with PAPs (70% of the real property value determined in the report of an expert valuer).

During the public consultations there were no remarks or conclusions regarding changes in the LAAP document. The owners of the real properties were mostly interested in getting to know the Investment scope and wanted to know to what extent the investment would impact their real properties.

Considering the anxieties reported by one of the Owners, temporary occupation on the property has been given up and the occupation scope has been restricted only to a narrow riverside strip along the



border of the plot, thus giving up the originally planned occupation of the entire plot, i.e. within the scope of the guest parking located there.

The remarks mentioned by the PAP during the public consultations are mostly related to the issues concerning noise emission and the visual impact of the investment (impacts on the landscape). The issues were a subject of analyses while developing the Environmental Management Plan. The EMP also includes detailed mitigation actions. The activities will be thoroughly monitored by the EMP Team. The EMP Team are aware of the requirements resulting from the LAAP and cooperate with the Team for EMP Implementation by providing information that might impact the LAAP implementation.

## 10.5 NEGOTIATIONS

Negotiations with PAPs will be conducted individually with a specific PAP, depending on the type of impacts on the household. All the interested persons have the right to participate in the negotiations, on equal bases. The negotiation areas will depend on the type of the affected good, which will allow to satisfy the needs of each PAP regarding the impacts it is affected by:

- loss of land,
- loss of structures located on the property,
- loss or reconstruction of infrastructure,
- the extent to which management on the property is restricted,
- temporary limitation of the possibility to use the property,
- other elements (e.g. the need to establish transmission easement).

Due to the type of impact, in relation to the investment in question, the negotiations will primarily concern the period of occupation and the amount of compensation due. Other areas will be subject to negotiations depending on a specific case.

During the negotiations the Investor will, on a regular basis, be providing the PAPs with comprehensive explanations and information in order to guarantee the undertaken agreements and settlements are clear for all to whom they pertain. The negotiation process will be non-discriminative and it will take into account the issue of equal rights.

The reservations made by the parties during the negotiations stage will be archived in minutes of the meetings and protocols from the negotiations.

If an individual compensation package is agreed upon and includes other than financial means of the compensating party, it will be determined in the settlement signed with the PAP.

## 11 Grievance redress mechanism

A principle was assumed in this LAAP that the PIU will take all measures to amicably resolve complaints concerning the Contract (including those submitted during the design works). The Complaint management mechanism is diverse in order to integrate it into the administrative procedures of the various stages of Contract preparation.

### 11.1 GENERAL GRIEVANCE REDRESS MECHANISM

The general grievance redress mechanism will be applicable for the following grievances and requests:

- a) submitted during public consultations on the draft of the current LAAP,
- b) submitted prior to the Investor applying for the IPIP,
- c) submitted in the course of IPIP proceedings or a decision determining the amount of compensation directly to the Investor,
- d) submitted after the decision determining the compensation amount for the expropriated property was issued,
- e) submitted during the design works,
- f) submitted directly to PIU, PCU, SWH Polish Waters or another entity acting on behalf of PAP.

With reference to this mechanism, the primary rule adopted by the Investor is granting the right to submit a grievance or request pertaining to the Contract to everyone, regardless of whether their property, right or assets are within the area designated for the Contract execution.

Submitting grievances and requests is free of charge. Furthermore, person submitting a grievance or request cannot be exposed to any detriment of accusation on that account.

Grievances and requests can be submitted in writing, electronic format, by telephone and verbally to the protocol.

A grievance or request may be submitted by a party directly in the Employer's head office:

State Water Holding Polish Waters  
Regional Water Management Authority in Wrocław  
34 C.K. Norwida Street  
50-950 Wrocław

or

State Water Holding Polish Waters  
Regional Water Management Authority in Wrocław  
Inspectorate in Kłodzko  
1 Kościuszki Street  
57-300 Kłodzko

Additionally, grievances and request can be submitted:

Via conventional post to the above address or  
By e-mail: [ziemiaklodzka@wody.gov.pl](mailto:ziemiaklodzka@wody.gov.pl)

Grievances and requests will be archived by the PIU in a separate register, indicating the date of filing, date of response and consideration method.

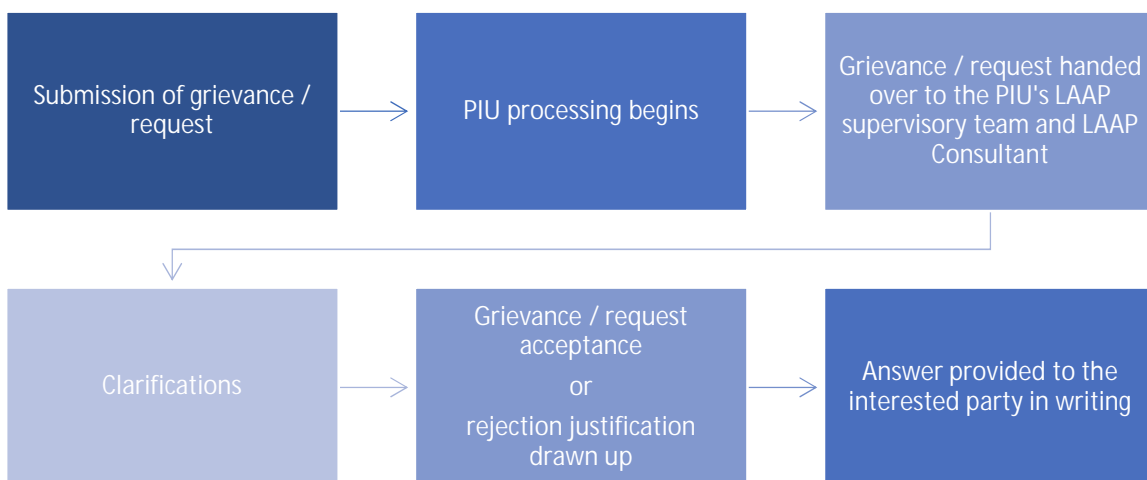
The grievance or request will be considered immediately, which means that the party must be given official notice without undue delay of how the grievance or request will be considered. Such notice shall include the identification of the entity from which it originates, an indication of how the complaint has been considered and a signature stating the name and official position of the person authorised to deal with the grievance or request.

In especially complex cases and in cases where consideration of a grievance or request requires changes to the LAAP, the deadline for responding to a grievance or request will be extended to 30 days. If this deadline is too short, the party will be informed of the reason a substantive response to the grievance / request is not received within the deadline, together with an indication of a date by which such a response will be provided.

If a case is rejected, the person submitting the grievance or request will be exhaustively informed as to the reasons for the rejection.

The general mechanism for managing grievances and requests is shown below:

Figure 7 - The general mechanism for managing grievances and requests



## 11.2 PARTICULAR GRIEVANCE REDRESS MECHANISMS

Particular mechanisms for managing grievances and requests are directly connected with the proceedings for issuing the IPIP and determining the compensation for the lost right to the property and the associated assets (e.g. civil benefits, belongings or plant and machinery which cannot be used at another location).

These will be used during the proceedings on issuing the IPIP, negotiations to determine the compensation conducted after the IPIP is issued, in the proceedings for the Lower Silesia Province Governor issuing a decision determining compensation amount and appeals and court proceedings pertaining to the IPIP and compensation.

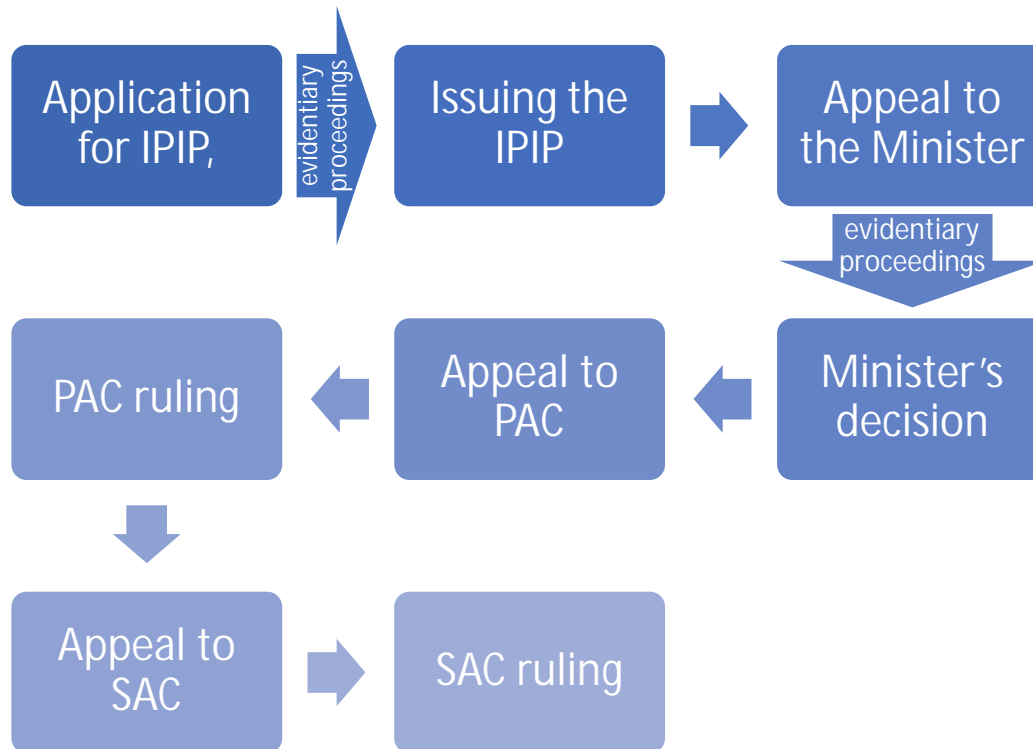
Persons whose property is within the contract implementation area shall be parties to the IPIP issuance proceedings. They are entitled to a free of charge participation in the proceedings on issuing the IPIP, including to submit comments and requests in the case directly to the Lower Silesia Province Governor. It should be highlighted that the submitted comments and requests to the proceedings do not always require the Investor to reply to them. In the event such a response is required, the Investor will assume a position immediately in the case and will provide it to the Lower Silesia Province Governor. The Investor's responses will be delivered to the parties by the Lower Silesia Province Governor.

In the event that the parties are not satisfied with the decision issued by the Province Governor they will be entitled to appeal to the competent minister. All declarations, requests and evidence submitted to the proceedings before the minister will have to be admitted by it and taken into account in issuing the decision.

If the minister's decision is not satisfactory, the parties will have the right to make an appeal to the Regional Administrative Court in Warsaw. That court will investigate whether the Province Governor and Minister conducted the proceedings in a correct and reliable manner, including within the scope of taking into account the comments, requests and evidence submitted by the parties to the proceedings. According to the regulations in force the appeal is subject to a PLN 500 court fee. Furthermore, the losing party is obligated to refund the costs of the court proceedings to the other party.

If the decision of the RAC will not be satisfactory for a party, it is entitled to appeal against a ruling to the Supreme Administrative Court. That court will not only investigate the correctness and legality of the proceedings conducted by the Province Governor and the Minister, but also the RAC ruling. An appeal against a ruling is subject to a PLN 250 fee. Furthermore, the losing party is obliged to refund the costs of the court proceedings to the other party.

Figure 8 - Grievance redress mechanism at the IPIP stage



Once a final IPIP is obtained, negotiations will be held with persons who have lost their right to a property or asset (e.g. civil benefits, affiliations or equipment and machines that are not suitable for use in the new location), at the initiative of the Investor on the amount of compensation and the acquisition of the property. Objections submitted by the Parties at the negotiations stage will be archived in negotiation meeting reports.

For properties expropriated on the basis of the IPIP, protocols and other documents sent to each other by the parties during negotiations, will be transferred to the Lower Silesia Province Governor unless an agreement on compensation is reached. These documents, apart from the valuation, will constitute the basis for issuing a decision determining the compensation amount.

PAP entitlements in the proceedings to issue a decision determining the compensation amount are analogous as to those for proceedings on the issuance of the IPIP. This means that PAPs are entitled to an active, free of charge participation in these proceedings, to submit comments and requests, to appeal the decision issued by the Province Governor and to appeal the appeals decision issued by the competent Minister to the competent Regional Administrative Court and then to the SAC. However, unlike the proceedings relating to the issue of the IPIP, an action before the PAC against the decision establishing the amount of compensation is subject to a relative fee, which depends on the amount of the pecuniary charge covered by the contested decision and amounts to:

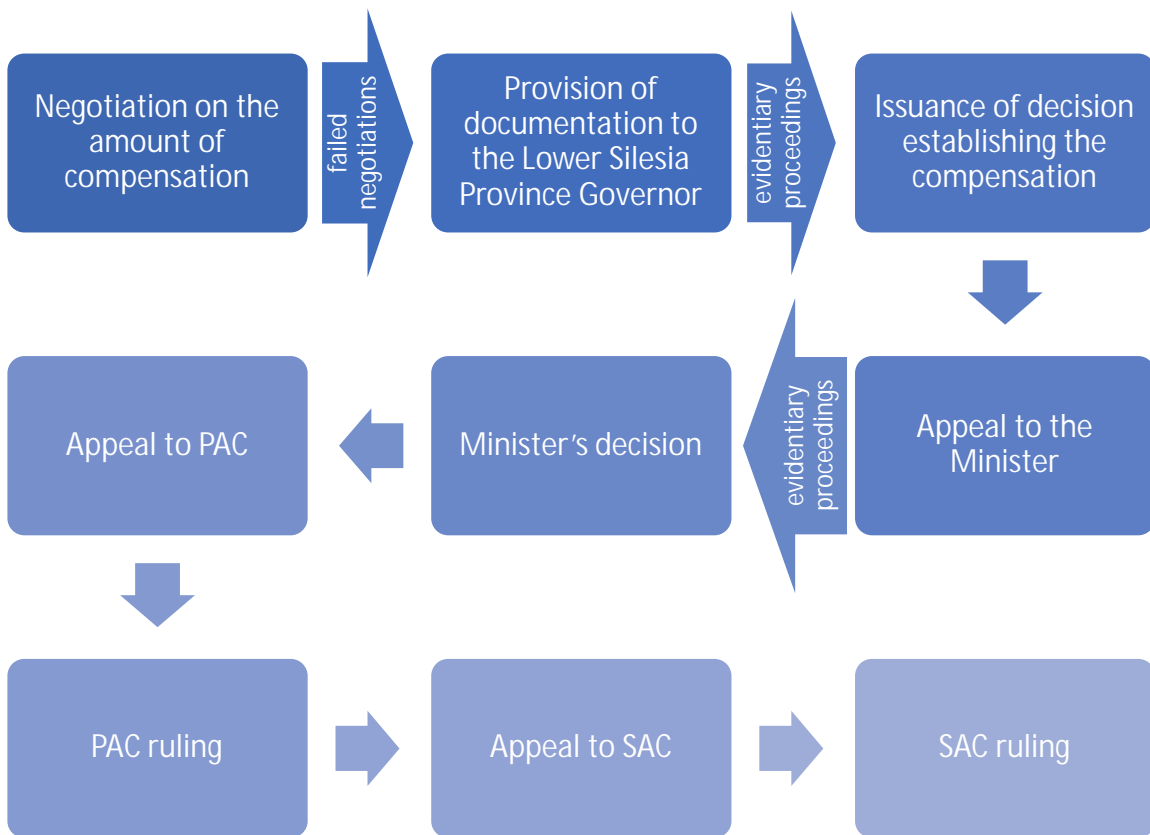
1. up to 10,000 PLN - 4 % of the value of the object of complaint, but not less than 100 PLN;
2. over 10,000 PLN to 50,000 PLN - 3 % of the value of the object of complaint, however not less than 400 PLN;

3. over 50,000 PLN to 100,000 PLN - 2 % of the value of the object of complaint, however not less than 1.500 PLN;
4. over 100,000 PLN - 1 % of the value of the object of complaint, but not less than 2,000 PLN and not more than 100,000 PLN.

A fee from a cassation complaint to the SAC is half of the fee from a complaint to the PAC, but not less than 100 PLN.

If the PAP is unable to bear the costs of the proceedings, it is entitled to submit an application for exemption from the obligation to bear court costs

Figure 9 - Mechanism for managing grievances at stage of issuing a decision determining the compensation amount (after issuing the IPIP and after it becomes enforceable)



## 11.3 GRIEVANCE REDRESS MECHANISM PERTAINING TO THE PERFORMANCE OF THE WORKS CONTRACT

The mechanism for submitting grievances and requests concerning the performed construction and assembly works by the Contractor will be implemented at the start of the entire process and will be applicable throughout the entire execution, functioning and closure of the Contract.

### 11.3.1 Location of submitting grievances and requests

A grievance or request may be submitted by a party directly in the Employer's head office:  
State Water Holding Polish Waters  
Regional Water Management Authority in Wrocław  
34 C.K. Norwida Street  
50-950 Wrocław

or

State Water Holding Polish Waters  
Regional Water Management Authority in Wrocław  
Inspectorate in Kłodzko  
1 Kościuszki Street  
57-300 Kłodzko

It may also be submitted directly in the office on the construction site (the address of this office will be given on the SWH PW's website within 1 month before the start of works).

Additionally, grievances and requests can be submitted:

- Via conventional post to the above address or
- Via the Internet:

website <http://www.wroclaw.wody.gov.pl>;

By e-mail: [ziemiaklodzka@wody.gov.pl](mailto:ziemiaklodzka@wody.gov.pl)

### 11.3.2 Due dates for considering grievances and requests

Deadlines for considering grievances and requests:

- suggested solutions: immediately, up to 30 days from grievance receipt.

The principles for handling grievances and requests cited in par. 11 are also applicable for grievances of this type.

A suggested grievance registry form is shown in Appendix 16.5.

### 11.3.3 Persons responsible for considering grievances and requests

The substantive employees of the PIU, indicated by the PIU Manager, will be responsible for handling grievances and requests.

### 11.3.4 Audits and independent appeal mechanism

It is assumed that periodically (once every six months) internal audits will be performed of the grievances and request mechanism. The audits will assess the effectiveness of the implemented system.

## 11.4 PERSONAL DATA PROTECTION POLICY APPLIED FOR THE PROJECT

The following rules, applied during the implementation of this Task, are aimed at ensuring transparency, protection and security of collected personal data of Project Affected Persons (PAP).

### 11.4.1 Who is the personal data controller

Pursuant to Article 13(1) and (2) of the General Regulation on the Protection of Personal Data of 27 April 2016, the controller of personal data is the State Water Holding Polish Waters with its registered office in Warsaw 00-848, 59a Żelazna Street. It is responsible for the use of the data in a safe and lawful manner - in particular in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.

### 11.4.2 Contact details for the data protection officer

All PAP's questions concerning the manner and scope of personal data processing within the scope of SWH Polish Waters' operations, as well as the powers vested in them, are answered by the Personal Data Protection Inspector at SWH Polish Waters using the address [iod@wody.gov.pl](mailto:iod@wody.gov.pl)

### 11.4.3 Legal basis for processing

The legal basis for the processing of personal data is Article 6(1)(e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC in connection with Article 3 of the Special Flood Act.



#### 11.4.4 What personal data may be collected and for what purpose

Personal data is any information of a personal nature that identifies a particular person. SWH PW RZGW in Wrocław collects only those data which are necessary to carry out investment tasks executed by SWH PW RZGW in Wrocław (in this case, concerning the execution of Task 2B.1/1 Flood Protection of the Nysa Kłodzka Valley). Such data are processed only to the extent stated by the PAP, on the basis of their voluntary consent through the relevant form, and may include:

- a) identity details: full name and date of birth,
- b) contact details: telephone number, registered and/or residence address, e-mail address,
- c) data related to the payment of compensation for permanent occupation of property, restrictions on use: PESEL number, series and number of identity card, parents' names, bank account number.

Consent to the storage and processing of personal data is voluntary, but the lack of consent may prevent the execution of compensation payments or informing PAP about the commencement of construction works and their progress.

SWH PW RZGW in Wrocław stores only current personal data of PAP, and should inform RZGW in Wrocław about any change of PAP data.

#### 11.4.5 What personal data have been obtained other than from the person concerned and from what source(s)

In order to identify the owners/perpetual usufructuaries/operators of the properties that will be subject to permanent occupation or limitation in use, SWH PW RZGW in Wrocław has obtained personal data from the Land and Building Register and the electronic Land and Mortgage Register system. The data obtained include:

- a) identity data: full name and first names of parents (where indicated in EGIB), PESEL number (where indicated in KW)
- b) contact details: address for registration (in those cases where indicated in EGIB).

#### 11.4.6 To whom personal data may be disclosed

PAP's personal data can only be disclosed to:

- a) eligible public entities for the purposes of their proceedings, when SWH PW RZGW in Wrocław is obliged to do so on the basis of relevant regulations and documents (e.g. summons from the court, court order or other administrative or legal procedure),
- b) units involved in the execution of the Works Contract 2B.1/1 Flood Protection of cities along Bystrzyca Dusznicka river; Polanica-Zdrój, Szczytna rz. Kamienny Potok
- c) only to the extent necessary to carry out a specific activity,
- d) postal operators, to inform PAP,
- e) the Consultant's representatives and lawyers to support the implementation of the Works Contract and compensation payments.

Personal data will not be transferred to third countries or international organisations.

#### 11.4.7 What rights does the data subject have

Every PAP is entitled:

- a) to access, update and correct their personal data,
- b) to delete their personal data ("right to be forgotten") or transfer them to another controller,
- c) to restrict the processing of their personal data - some data may be designated as restricted to processing only in certain circumstances,
- d) to lodge a complaint concerning the processing of their data by SWH PW RZGW in Wrocław to the competent authority supervising the processing of personal data, if PAP considers that the processing of personal data concerning them violates the provisions of the General Regulation on Personal Data Protection of 27 April 2016 (indicated above),
- e) to withdraw at any time consent to the processing of your personal data by SWH PW RZGW in Wrocław.

PAP data will not be subject to automated decision-making processes (profiling).

#### 11.4.8 Contact to the supervisory authority to which a complaint can be lodged

President of the Office for the Protection of Personal Data  
2 Stawki Street  
00-193 Warsaw  
tel. +48 22 531 03 00  
fax. +48 22 531 03 01  
Office hours: 8.00 – 16.00  
Helpline: 606-950-000 open on working days from: 10.00 – 13.00

#### 11.4.9 Contact at SWH PW RZGW in Wrocław on matters related to privacy policy

In SWH PW Data Protection Controller tel.: +48 22 37 20 213 e-mail: [iod@wody.gov.pl](mailto:iod@wody.gov.pl)  
In RZGW in Wrocław: [riod.wroclaw@wody.gov.pl](mailto:riod.wroclaw@wody.gov.pl)

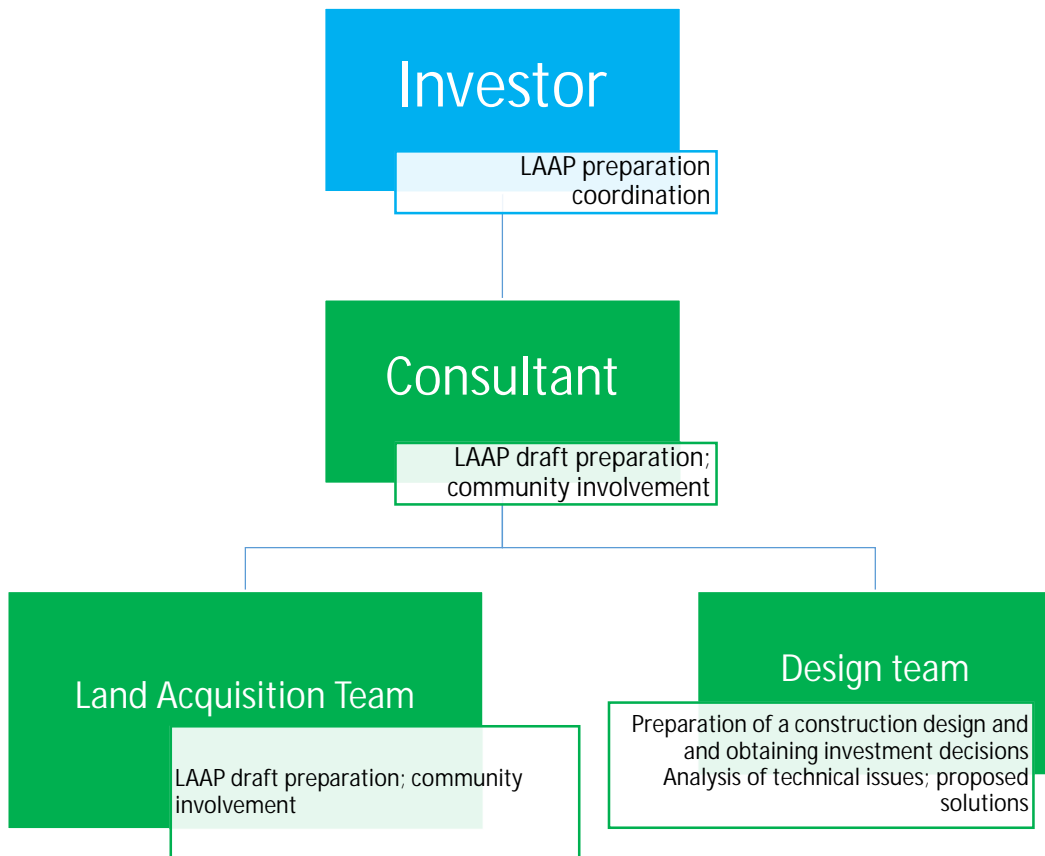
#### 11.4.10 Period for which personal data will be stored

Personal data will be stored until the statute of limitations for PAP's compensation claims.

## 12 Institutional structure and the implementation team

The institutional structure of the team drawing up this LAAP is presented in the diagram below:

Figure 10 – Institutional structure of the team drawing up this LAAP



The LAAP Consultant for the preparation of this LAAP is Sweco Polska Sp. z o. o.

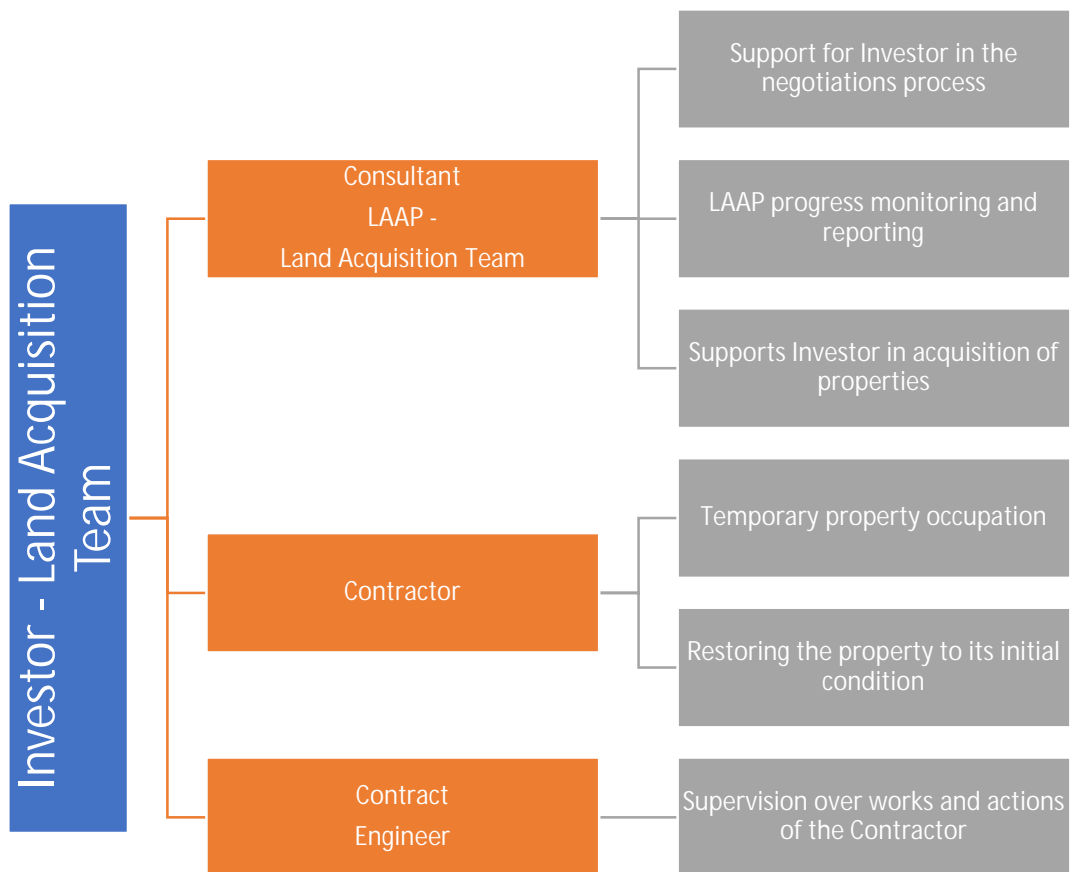
The scope of responsibilities of the team drawing up the LAAP is as follows:

1. Investor – LAAP preparation coordination:
  - a. supervision improving the drawing up of LAAP,
  - b. ensuring flow of information between the Consultant and the PAP;
  - c. ensuring that changes which emerged during LAAP preparation are introduced to the Construction Design,
  - d. monitoring the LAAP drawing up process,
2. Consultant – property acquisition team
  - a. cooperation with the design team to ensure that occupation of the property is minimised and that the needs of the PAPs raised during the development of the LAAP are taken into account,
  - b. performance of socio-economic research and drawing up of socio-economic study,
  - c. collection and analysis of data pertaining to property use and development,
  - d. social consultations,

- e. social consultations process coordination,
  - f. preparation of a proposal for minimising impact and technical analysis of these proposals; provision of Construction Design change proposals to the Investor,
  - g. qualification analyses,
  - h. preparation of compensation packages,
  - i. preparation of the LAAP document draft.
  - j. preparation of the final LAAP document.
3. Consultant – Design Team
- a. Construction Design,
  - b. administrative decisions including decision on environmental conditions, IPIP,
  - c. technical analysis of Construction Design changes presented by the Land Acquisition Team.

The scope of responsibilities of the LAAP implementation team is as follows:

Figure 11 – Scope of responsibilities of the LAAP implementation team



The scope of responsibilities of the team drawing up the LAAP is as follows:

1. Investor
  - a. supervision improving the drawing up of LAAP,
  - b. concluding compensation agreements,
  - c. compensation disbursement,
  - d. ensuring flow of information between the Consultant, Engineer and the Contractor.
  - e. ensuring that there is no impact on property that has not been acquired and compensated for as property to be used in the works in progress,
  - f. taking the properties over,
  - g. undertaking the remedial activities in the event of problematic situations,
  - h. control of execution of the Contractor's duties.
2. LAAP Consultant
  - a. planning and participation in negotiations,
  - b. preparing opinions and valuations by surveyors for the needs of negotiations with PAP,
  - c. monitoring of the LAAP implementation by the Contractor and Engineer,
  - d. suggesting remedies in the event of problematic situations,
  - e. supporting the Investor in property acquisition.
3. Engineer:
  - a. supervision over commencement and performance of works,
  - b. suggesting remedies in the event of problematic situations,
  - c. control of execution of the Contractor's duties and the implementation of remedial actions by the Contractor.
4. Contractor
  - a. acquiring property for temporary occupation,
  - b. disbursement of compensation for property acquired for temporary occupation,
  - c. performance of works on property permanently occupied,
  - d. restoration of properties acquired for temporary occupation to their previous state or the state agreed in the agreement on temporary occupation of properties.
5. OVFM PCU
  - a. coordination of activities undertaken by the PIU in the framework of the Project implementation, including the implementation of the provisions of the LAAP.

## 13 Monitoring and assessment

The monitoring of LAAP enforcement is an integral part of the Contract monitoring and management system. Therefore, for the purposes of monitoring LAAP enforcement, tools will be used for monitoring Contract implementation, the task of which is reporting to the financiers and provision of existing information on the problems, fortuitous events and irregularities. Here, ensuring appropriate cooperation between the Consultant, PIU is paramount. A diagram of information flow within the monitoring is shown below.

The overall monitoring procedures and evaluations are described in the document entitled Land Acquisition and Resettlement Policy Framework (LARPF) available at:

<https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>

Figure 12 - LAAP implementation monitoring diagram



A crucial role in the LAAP monitoring implementation is played by logging the facts by the Consultant and by the PIU, notably by correspondence register, the register of the progress of acquiring titles to the property for construction purposes, and the register of the progress of payment of compensation. The data contained in these registers are taken into account in compiling data on the number of

acquired properties and the amounts and types of compensation handed over in accordance with appendix no. 1.

All changes are recorded in the registers. Based on the aforementioned registers the following parameters are monitored in detail:

- a) number of properties for expropriation and expropriated,
- b) number of people requiring resettlement and resettled,
- c) number of properties for temporary occupation (planned and actual),
- d) amount of all expenses for the resettlement process (planned and actual)
- e) compensation disbursed for loss of legal title to property,
- f) compensation disbursed for loss of income sources,
- g) degree and status of protective actions,
- h) number of grievances.

Such a LAAP performance monitoring system makes it possible to react quickly in case of problems and facilitates efficient reporting within the framework of the existing Contract management systems. The data will be updated on a quarterly basis.

The main indicators, which will be monitored with reference to the Contract executed by SWH PW RZGW in Wrocław, are shown in the table below<sup>7</sup>.

Indicator	Information source	Frequency of monitoring	Progress indicator
Assumed parameters			
Number of properties subject to expropriation	IPIP decision	Once after decision is issued	Qty (pcs.)
Number of properties subject to permanent restrictions	IPIP decision	Once after decision is issued	Qty (pcs.)
Number of properties subject to temporary restrictions	IPIP decision	Once after decision is issued	Qty (pcs.)
Number of project affected persons (PAP)	Land mortgage register, extracts from land and property register, IPIP decision	Once after decision is issued  Ongoing updates during the process of negotiating and disbursing compensation	Quantity
Amount of all expenses for the compensations (expenses)	SWH PW RZGW registers in Wrocław/Consultant	Monthly / Quarterly	PLN

<sup>7</sup> As there will be no physical and economic resettlement, PAPs will remain in their households and no impact on income levels is expected.

Number of properties acquired	SWH PW RZGW registers in Wroclaw/Consultant	Monthly / Quarterly	Qty (pcs.)
Achieved parameters			
Amount of all expenses for the compensations (expenses)	SWH PW RZGW Wroclaw financial records	Monthly / Quarterly	PLN
Number of properties acquired	SWH PW RZGW registers in Wroclaw/Consultant	Monthly / Quarterly	Qty (pcs.)
Effectiveness indicators			
Number of grievances	SWH PW RZGW registers in Wroclaw/Consultant	Monthly / Quarterly	Qty (pcs.)
Number of grievances handled	SWH PW RZGW registers in Wroclaw/Consultant	Monthly / Quarterly	Qty (pcs.)
Disbursed compensation, miscellaneous	SWH PW RZGW Wroclaw financial records	Monthly / Quarterly	PLN

The LAAP activities will be subject to, based on the determined indicators, continuous monitoring and periodic updates by the Consultant's team and by the PIU as the work progresses and new factual and legal circumstances affecting the implementation of its provisions emerge. This will allow, among others, to provide relevant information to PAPs, early identification of risks and implementation of methods that will allow to minimise or eliminate these risks.

The results of monitoring will be presented in monthly and quarterly reports. The ex-post evaluation will be conducted six months after the LAAP is implemented. Its objectives will be assessed and documented in terms of establishing the standard of living of PAPs equal or better than their standard of living before the Project implementation.



## 14 Costs and budget

No.	Item	Unit	Price in PLN/m <sup>2</sup>	Surface area [ha] Number [pieces]	Sum [PLN]
1	Permanent occupation <sup>8</sup> (Private plots, municipal plots and plots with undetermined legal status)	Hectare	No data*	<u>0,9973 ha</u> <u>62</u>	No data*
2	Permanent usage restrictions <sup>9</sup> (Private plots, municipal plots and plots with undetermined legal status)	Hectare	No data*	<u>0</u>	No data*
3	Temporary occupation <sup>10</sup>	Hectare	No data*	2,3182	No data*
4	Court costs <sup>11</sup>	N/A	-	-	No data
5	LAAP implementation costs <sup>12</sup>	N/A	-	-	No data
6	Unanticipated costs (+20 % to item No.: 1)	PLN	-	-	No data
6	Total: (sum of the items - No.: 1-5)	PLN	-	-	No data

\* the amounts will be determined by an independent valuer

Information on the amount of compensation for permanent restrictions on the use of the property will be supplemented after the valuation is carried out by a valuer.

Compensation is paid by the Investor, i.e. SWH PW RZGW. The funds are guaranteed by the State Treasury and are distributed through the Ministry of Finance and the Ministry of Infrastructure, to the Polish Waters.

PAP receives compensation by transfer from SWH PW RZGW's account to the indicated bank account or, if PAP does not have a bank account, the payment will be made by postal order.

The unforeseen costs include the possible costs of purchasing "remnants". The costs of LAAP implementation will include, inter alia, the costs of correspondence with PAPs and the costs of remittances in case of compensation payment to persons without a bank account.

\*

<sup>8</sup> The final quantity will be determined by IPIP decisions

<sup>9</sup> The final quantity will be determined by IPIP decisions

<sup>10</sup> The final quantity will be determined by IPIP decisions.

<sup>11</sup> The amount will include the costs of proceedings before administrative courts and common courts (costs of court registrations, costs of experts, costs of legal representation, deposits and other related fees)

Costs before administrative courts can be assessed after the decision of the Lower Silesia Province Governor determining the amount of compensation has become final

<sup>12</sup> The amount will be determined at the stage of determining the compensation from PAP

## 15 Schedule of LAAP implementation

The individual steps necessary for the preparation and implementation of the LAAP according to the LARPF are shown in the table below. A detailed schedule in this respect is included in appendix no. 2 to the present document.

LAAP DEVELOPMENT			
No.	Action	Responsibility	Verification of actions made
1	Determination of the final scope of expropriation and preparing a construction design	Consultant	PIU
2	Assessment of Contract's social consequences	Consultant	PIU
3	Verification of collected materials, analyses of impacts and economic analyses	Consultant	PIU
4	LAAP draft preparation	Consultant	PIU
5	LAAP public consultations	PIU	SWH PW
6	Within the scope stemming from taking into consideration comments and requests - LAAP amendments	Consultant	PIU
7	LAAP publication (it is also published on the World Bank's website)	World Bank	World Bank

LAAP IMPLEMENTATION			
No.	Action	Responsibility	Verification of actions made
1	Submission of IPIP applications	Consultant	PIU
2	Obtaining the IPIPs	Consultant	PIU

LAAP IMPLEMENTATION			
No.	Action	Responsibility	Verification of actions made
3	Provision of information on obtaining the IPIP to PAP and the investor's further steps	PIU	SWH PW
4	Property valuation by property valuers	Consultant	PIU
5	Expropriated individuals receive property valuations and negotiations are held	PIU	SWH PW
6	If negotiations are unsuccessful - Province Governor's decision as to compensation amount	PIU	SWH PW
7	Payment of compensation and of compensation measures	PIU	SWH PW
8	Physical acquisition of expropriated property and commencement of works	Contractor	PIU
9	LAAP implementation evaluation	PIU	World Bank

CYCLICAL TASKS			
No.	Action	Responsibility	Verification of actions made
1	Internal permanent LAAP implementation monitoring	Consultant	PIU
2	Reporting to the World Bank	PIU	World Bank
3	Permanent communication with PAP	Consultant	PIU



POST IMPLEMENTATION TASKS			
Step	Action	Responsibility	Verification of actions made
1	LAAP implementation evaluation	Independent third-party auditor	World Bank

## 16 Appendices

Table attached in electronic version.

### 16.1 TABLE – LIST OF PROPERTIES, OWNERS AND IMPACTS

Table attached in electronic version.

### 16.2 SCHEDULE OF LAAP IMPLEMENTATION

Schedule attached in electronic version.

### 16.3 MAPS WITH THE SCOPE OF INVESTMENT

Maps will be attached in electronic version.

### 16.4 SOCIO-ECONOMIC STUDY

Study attached in electronic version. The table is not subject to publication due to personal data protection.

### 16.5 FORM FOR SUBMITTING GRIEVANCES TO THE CONSULTANT (BASED ON WB GUIDELINES)

Form attached in electronic version.

### 16.6 REPORT ON THE CONDUCTED PUBLIC DISCUSSION ON THE DRAFT LAAP

The Report will be attached in electronic version.

### 16.7 CONTRACT FOR THE PROVISION OF PROPERTY FOR THE PURPOSES OF TEMPORARY OCCUPATION OF LAND

Contract attached in electronic version.