

Rewilding in Poland

Dam Removal

*Artificial dam and flooded meadows along the channel Seegraben, Rewilding Oder Delta.
Florian Möllers / Rewilding Europe.*

Core topics

- The legal framework applicable to dam removal and key public entities
- Licensing procedure to remove a dam

Key Takeaways

- 1 It is recommended that you identify the correct procedure to remove a dam before undertaking any work.
- 2 You should take all necessary measures to ensure you do not incur liability for any damage arising from removing a dam.
- 3 Depending on the size and/or location of the dam, you may need to carry out an environmental assessment first.

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1. General considerations on dam removal

You may face the situation where there is a small dam on land you acquire or you are managing. In some instances, dams may be useful for rewilding purposes, for instance to boost the biodiversity of the landscape, but in others you may want to remove it if it is obsolete and it is blocking the natural flow of water.

If you wish to remove a small dam from your land, you need to follow certain steps and engage with public entities. Moreover, you should avoid causing any damage to your land and to neighbouring property (see *Rewilding in Poland: Liability to Neighbouring Landowners*).

2. What is there to know about removing a small dam?

First, you need to be aware of the legal framework that regulates water management in Poland and must be considered when planning to remove dams: the Water Law.¹

Also, it may be useful to know which authorities to reach out to. In respect of water issues, these are: (i) the minister responsible for water management; (ii) the minister responsible for inland waterways; (iii) the President of *Wody Polskie*;² (iv) **a director of regional water management board of *Wody Polskie***; (v) **a director of a management board of *Wody Polskie's* catchment areas**; (vi) a head of water supervision of *Wody Polskie*; (vii) **a director of**

a maritime office; (viii) **a voivode**; (ix) **a starost**; and (x) **a mayor**. From these, you may be particularly interested in those in bold as these entities are more directly related to your plans of removing your dam.

Note that, although *Wody Polskie* is the key body with respect to water management, it is not the owner of public waters in Poland. State Treasury, other legal persons, or natural persons may own water courses. For instance, areas of the territorial sea, the internal sea waters, inland ground waterways, and underground waters belong to the State Treasury.

3. What is needed to remove a dam?

General provisions

A water permit must be obtained prior to removing any dam. The procedure and conditions for obtaining a water permit are described in the Water Law and will vary depending on the nature and location of the relevant dam. In each case, it is advisable to consult the water authority to obtain more detailed advice and instructions. As a general point, however, the procedure of granting a water permit should be conducted by directors of the management board of *Wody Polskie* catchment areas in cases where removing the dam does not have significant impact on the environment.

You will also require an environmental decision (see *Rewilding in Poland: Developing Land*) to remove dams in the following categories:

- any dam that is higher than 1m;
- any dams within a protected conservation area (excluding dams lower than 1m based on the

respective environmental protection plan – see *Rewilding in Poland: Protected Areas*);

- any dams on natural flowing watercourses (where no other dams are located); or
- any dams on natural flowing watercourse on which other dams are constructed (within a 5km radius).

In addition, you will need to obtain a demolition permit (for removal of dams requiring an environmental decision) or to file a notification to remove any other dams. Demolition permits can be obtained, and notifications can be filed, according to the procedure applicable to building permits and notifications of construction works, described in *Rewilding in Poland: Developing Land*.

As the Water Law in Poland is complex, you are strongly advised to confirm all legal requirements with the water authorities prior to any action to prevent any liability.

Example

Landowner A intends to restore the natural course of the stream that crosses their land. This would require removing the small dam in the property that was used for irrigation in the past. The goal is to stop growing crops and allow natural succession. This would change the mixed nature of the land in a dynamic way depending on the season and volume of water.

Landowner A will have to consult the water authorities and, depending on specific water conditions in the area, obtain a water permit.

Landowner A must obtain an environmental permit and a demolition permit if any of the conditions listed above apply (see [section 3](#)).

If none of those conditions apply, it is sufficient to submit a notification of demolition. This will be in the cases of smaller dams (up to 1m) situated outside of inland watercourses, national parks, nature reserves, and landscape parks (and their buffer zones).

Landowner A should note that the process of acquiring a demolition permit or of submitting a demolition notification follows the rules on building permits and notifications of construction works (see note on *Rewilding in Poland: Developing Land*).

Endnotes

- 1 Act of 20 July 2017 – the Water Law: *Prawo wodne*; consolidated text published in the Journal of Laws of 2021, item 2233, as amended.
- 2 *Państwowe Gospodarstwo Wodne Wody Polskie*; Wody Polskie is a state-owned entity established in 2018 based on the Water Law, coordinating the administration and management of waters in Poland. It is a key administrative body responsible for issues related to water, represented by its internal bodies and representatives referred to in this section.

Contact Us

More information about rewilding and the issues addressed in this guidance note is available on [The Lifescape Project](#) and [Rewilding Europe](#) websites.

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Acknowledgments

Thank you to Rewilding Oder Delta for sharing their practical experiences of rewilding in Poland. Thank you also to Clifford Chance LLP for their legal support in producing this briefing note.

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice. You should not assume that the case studies apply to your situation and specific legal advice should be obtained.