Casarano 2

PRELIMINARY ANALYSIS

Intervention of new installation of agrivoltaic plant of the nominal power of **9900 kW**, located in **agricultural area** in the Municipality of […], Province of […] - Region.

.

[…], 2023

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# Introduction

This due diligence report (hereby the “**Report**”) has been prepared upon the request of [CLIENT], (hereby, the “**Company**”) by Sani Zangrando Law Firm (hereby “Sani Zangrando”) and contains our preliminary legal analysis on the applicable authorization procedures for a project of about **9900 kW** in the Municipality of […], Province of […] - Region (the “**Project**”).

This Report is not intended to be a comprehensive review of all legal issues and constraints determining the actual suitability of the project area, or to cover all aspects of those referred to, as required for the determination of the applicable authorization procedures. Therefore, it does not certify the reliability or truthfulness of the documents and information on which it is based, nor guarantee the viability to the project and/or the obtainment of the relevant authorizations, but it is only aimed to allow a preliminary evaluation of certain aspects that could affect them. In any case, the authorization or not of the project depends on the discretionary power of the public administration. In addition, the information, data, evaluations and comments contained herein do not replace the full extent of a legal due diligence analysis, nor the analysis, evaluations and decisions which the addressee of this Report shall take autonomously.

This Report and the information contained herein are addressed to [CLIENT] only and are strictly privileged and confidential. Accordingly, they cannot be disclosed to any third party without the prior written consent of Sani Zangrando.

Avv. Gianpaolo Terranova

# Part I – General Information

| General Information |  |
| --- | --- |
| Distance from industrial area (m) | **2000** |
| Extension | \*\*\*\* |
| Type of Intervention | **nuova installazione** |
| Destination of the Area | **agricultural area** |
| Municipality | \*\*\*\* |
| Cadastral parcels | \*\*\*\* |
| Applicable PAS threshold (kW) | **50** |
| Power (kW) | **9900** |
| Project Name | **Casarano 2** |
| Subtype | **agri-photovoltaic** |
| Region | **Puglia** |
| Type of Plant | **photovoltaic plant** |

The Project **does not fall within areas classified as suitable** under Article 20 of Legislative Decree No. 199 of 8 November 2021.

## Applicable authorization procedures

The project can be authorised through **Simplified Permit Procedure (PAS)**. pursuant to Art. 6, paragraph 9-bis of legislative decree no. 28/2011, applicable “*to projects for new photovoltaic plants and related works to be carried out in areas classified as suitable* […] *with a capacity of up to 12 MW, as well as to agro-voltaic plants pursuant to Article 65, paragraph 1-quater, of legislative decree no. 1 of 24 January 2012, converted, with amendments, by law no. 27 of 24 March 2012, which are no more than 3 kilometres away from areas of industrial, artisan and commercial use* […] *even if urban planning requires implementation plans for building*”.

## Applicable environmental procedures

The Project falls within the following areas, classified as unsuitable according to Annex 3, letter f) DM 10/09/2010 (National Guidelines):

* *areas within visual cones whose image is historicised and also identifies places in terms of international renown of tourist attractiveness;*
* *areas identified pursuant to Article 142 of Legislative Decree 42 of 2004 by assessing the existence of particular characteristics that make them incompatible with the construction of the plants;*

The Project does not meet any of the cases provided for in Article 47, paragraph 11-bis of Decree 13/2023 for which the thresholds for Screening and EIA are elevated.

Richiede VIA screening, applicable threshold 1 MW.

# Part II – Analysis Report

A complete list of the main issues identified during our analysis is presented below. The importance of each of the issues identified (taking into account both probability and severity of impact) is expressed through color coding as follows:

|  |  |
| --- | --- |
| **Importance** | **Description** |
| ✖️✔️ | **High**: the absence or presence of the referred item is likely to have a significant impact on the project. Risk should be addressed before proceeding to Final Investment Decision / Financial Close. |
| ✖️✔️ | **Medium**: the absence or presence of the referred item does not jeopardize project viability but may materially change commercial considerations / project economics, hence risk should be mitigated as far as possible. |
| ✖️✔️ | **Low**: the absence or presence of the referred item is indicated for informational purposes or could represent a minor risk, in which case mitigations would represent good practice but are not essential. |
| ➖ | **Not Applicable** |
| ❓ | **Required information missing** |

## Technical characteristics (plant in agricultural areas)

| Technical characteristics (photovoltaic plant in agricultural areas) |  |
| --- | --- |
| plant constructed directly by agricultural entrepreneurs or jointly owned companies | ✖️ |
| solar panels above plantations at a height > 2 metres above ground, without concrete foundations or difficult to remove | ✖️ |
| compatibility and integration with agricultural activities | ✖️ |

## Town planning compatibility

| Town planning compatibility |  |
| --- | --- |
| Road buffer area: A: motorways (60m) | ✖️ |
| Road buffer area: B: main suburban roads (40m) | ✖️ |
| **Road buffer area: C: secondary suburban roads (30m)** | ✔️ |
| **Road buffer: F: local roads (20m)** | ✔️ |
| Cemetery buffer zone | ✖️ |
| Area of respect for power lines | ✖️ |
| Area of respect for methane pipelines | ✖️ |
| Area of respect for aqueducts | ✖️ |
| Watercourse buffer zone | ✖️ |
| Area of respect for wells | ✖️ |
| Area of respect for ridges | ✖️ |
| Olive groves | ✖️ |
| Isolated oaks | ✖️ |
| Farm trees | ✖️ |
| Tree-lined avenues | ✖️ |

## Landscape constraints (ope legis)

| Constraints under art. 142 Legislative Decree 42/2004 (ope legis) |  |
| --- | --- |
| a) Coastal territories included in a strip 300 metres deep from the shoreline | ✖️ |
| b) Territories bordering lakes within a strip 300 metres deep from the shoreline, including elevated territories on lakes | ✖️ |
| c) Watercourses and their banks or the foot of their banks for a 150-metre strip | ✖️ |
| d) Mountains over 1,600 metres above sea level for the Alpine chain and 1,200 metres for the Apennine chain and islands | ✖️ |
| e) Glaciers and glacial cirques | ✖️ |
| f) National or regional parks and reserves, as well as the external protection territories of parks | ✖️ |
| g) Territories covered by forests and woodlands, even if affected or damaged by fire, and subject to reforestation constraints | ✖️ |
| **h) Areas allocated to agricultural universities and areas encumbered by public uses** | ✔️ |
| i) Wetlands | ✖️ |
| l) Vulcans | ✖️ |
| m) Areas of archaeological interest | ✖️ |

## Landscape constraints (declared)

| Constraints under art. 136 and 157 of Legislative Decree 42/2004 (declared) |  |
| --- | --- |
| (State) landscape constraint by declaration of significant public interest pursuant to Articles 136 and 157 | ✖️ |
| (Regional) landscape constraint by declaration of significant public interest pursuant to Articles 136 and 157 | ✖️ |
| Areas of archaeological interest | ✖️ |

## Cultural Heritages

## Suitable areas under d.lgs. 199/2021

| Suitable areas under art. 20, par. 8 of Legislative Decree 199/2021 |  |
| --- | --- |
| a) Areas occupied by installations of the same source for modification work | ➖ |
| b) Sites subject to remediation | ✖️ |
| c) Quarries and mines ceased | ✖️ |
| c-bis) RFI areas and motorway concessionaires | ✖️ |
| c-bis.1) Airport areas | ✖️ |
| c-ter) 1) Agricultural areas within 500m of industrial zones, SIN, quarries and mines | ✖️ |
| c-ter) 2) Areas inside industrial plants and factories | ✖️ |
| c-ter) 2) Agricultural areas within 500m of industrial plants and factories | ✖️ |
| c-ter) 3) Areas within 300m of highways | ✖️ |
| c-quater) Other areas | ➖ |

## Areas not suitable under National Guidelines

| Unsuitable areas pursuant to Attachment 3, lett. f), Ministerial Decree 10.09.2010 |  |
| --- | --- |
| 1) UNESCO sites, of notable cultural interest and of notable public interest pursuant to art. 136 of Legislative Decree 42/2004 | ✖️ |
| **2) Zones within visual cones** | ✔️ |
| 3) Areas near archaeological parks and assets of cultural, historical and/or religious interest | ✖️ |
| 4) Protected natural areas | ✖️ |
| 5) Wetlands (Ramsar) | ✖️ |
| 6) Areas of the Natura 2000 network (SIC, SPA) | ✖️ |
| 7) Important Bird Areas (IBA) | ✖️ |
| 8) Key areas for the conservation of biodiversity | ✖️ |
| 9) Agricultural areas affected by quality productions | ✖️ |
| 10) Areas in a situation of instability or hydrogeological risk | ✖️ |
| **11) Areas protected by art. 142 Legislative Decree 42/2004** | ✔️ |

## Screening Guidelines DM 30/03/2015

| Criteria under the Guidelines for EIA Screening, annexed to the Ministerial Decree 30/03/2015, determining 50% reduction of screening threshold |  |
| --- | --- |
| 4.1. Cumulation with other projects | ✖️ |
| 4.2. Risk of accidents, especially with regard to the substances or technologies used | ✖️ |
| 4.3.1. Wetlands | ✖️ |
| 4.3.2. Coastal areas | ✖️ |
| 4.3.3. Mountain areas | ✖️ |
| 4.3.3. Forest zones | ✖️ |
| 4.3.4. Reserves and natural parks, classified or protected areas in accordance with national legislation | ✖️ |
| 4.3.5. Special Protected Areas designated under Directives 2009/147/EC and 92/43/EEC | ✖️ |
| 4.3.6. Areas in which the environmental quality standards set by European Union legislation have already been exceeded | ✖️ |
| 4.3.7. Areas with a strong population density | ✖️ |
| 4.3.8. Areas of historical, cultural or archaeological importance | ✖️ |

## Hydrogeological Asset Plan (PAI)