

Spatial Planning for Wind Energy Use in Schleswig-Holstein

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Schleswig-Holstein
Ministry of the Interior,
Municipal Affairs,
Housing and Sports

Germany's federal structure with regard to town and country planning



State level:

Raumordnungsgesetz (National Town and Country Planning Code)

General Planning Guidelines

Federal states level:

Landesplanungsgesetz (Town and Country Planning Code Schleswig-Holstein)

Landesraumordnungsplan (State Regional Development Plan)

Regional level:

Regionalpläne (Regional Plans)

Local Level:

Flächennutzungsplan and *Bebauungsplan* (Land Use Plans), local / municipal self-government responsibility

Germany's federal structure with regard to town and country planning

Who sets up regional planning? Three examples

Schleswig-Holstein:

One state and regional planning authority in the Ministry of the Interior. Development, legal and technical supervision in one department.

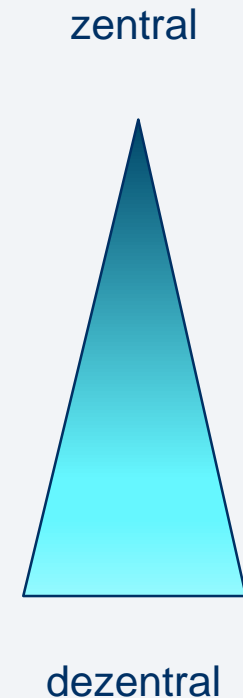
Sachsen-Anhalt:

Five regional planning authorities. Legal and technical supervision in the Ministry for Regional Development and Transport of Sachsen-Anhalt

Niedersachsen:

38 Counties (Landkreise)

Legal and technical supervision in the Ministry for Agriculture, Consumer Protection, Spatial and Regional Planning



Legal Basis for erecting wind farms: The German planning and building law

Baugesetzbuch (Building Law) § 35 Abs. 1 Nr. 5

Wind energy turbines are privileged building projects in the outskirts area (outside villages and cities).

- Easier (less restricted) building permission without land use plan

BUT

Baugesetzbuch (Building Law) § 35 Abs. 3 Satz 3

General privilege can be replaced by defining a spatial planning aim to "organise" the use of wind energy in the outskirts area (land use plan, regional plan).

- Federal planning authority of Schleswig-Holstein (*Landesplanung*) designates priority areas (Vorranggebiete) for wind energy use as a spatial planning aim in the regional plans.

Wind Energy Areas Requirements Act Windenergieflächen-Bedarfsgesetz (WindBG)

Key contents of the WindBG:

Volume targets for federal States for achieving the 2% target (2% of the area of Germany for wind energy)

§ 2 section 1 WindBG: Priority areas* are counted as wind energy areas as defined in the law.

§ 3 section 1 no. 1 WindBG: Area targets and allocation to the federal states on the basis of an expertise for area potential.

§ 4 Section 3 WindBG: Only rotor-outside areas count with the full amount. A discount is calculated for rotor-inside areas.

§ 7 Section 3 Spatial Planning Act (Raumordnungsgesetz, ROG):

**Priority areas (Vorranggebiete) are designated for certain spatially significant functions or uses and exclude other spatially significant uses in this area if these are not compatible with the priority functions or uses.*

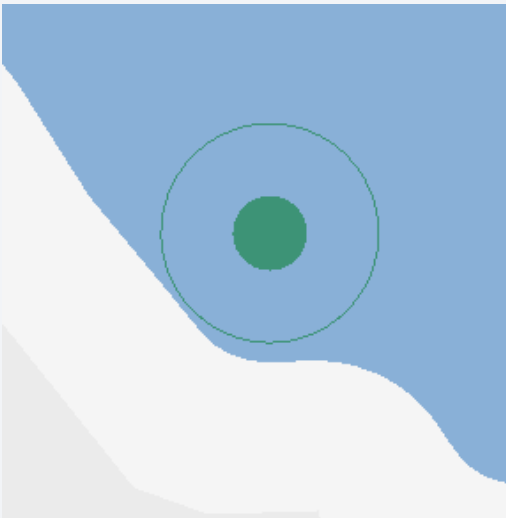
Area targets according to § 3 Section 1 WindBG

Bundesland	Spalte 1: Flächenbeitragswert, der bis zum 31. Dezember 2027 zu erreichen ist (Anteil der Landesfläche in Prozent)	Spalte 2: Flächenbeitragswert, der bis zum 31. Dezember 2032 zu erreichen ist (Anteil der Landesfläche in Prozent)	Spalte 3: Landesflächen (in km ²)*
Baden-Württemberg	1,1	1,8	35 747,82
Bayern	1,1	1,8	70 541,57
Berlin	0,25	0,50	891,12
Brandenburg	1,8	2,2	29 654,35
Bremen	0,25	0,50	419,62
Hamburg	0,25	0,50	755,09
Hessen	1,8	2,2	21 115,64
Mecklenburg-Vorpommern	1,4	2,1	23 295,45
Niedersachsen	1,7	2,2	47 709,82
Nordrhein-Westfalen	1,1	1,8	34 112,44
Rheinland-Pfalz	1,4	2,2	19 858,00
Saarland	1,1	1,8	2 571,11
Sachsen	1,3	2,0	18 449,93
Sachsen-Anhalt	1,8	2,2	20 459,12
Schleswig-Holstein	1,3	2,0	15 804,30
Thüringen	1,8	2,2	16 202,39

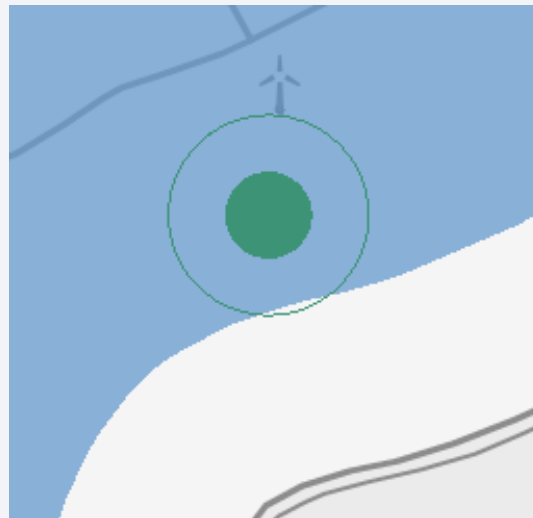
Rotor Inside or Rotor Outside

§ 4 Section 3 WindBG: Only rotor-outside areas count with the full amount. A discount is calculated for rotor-inside areas.

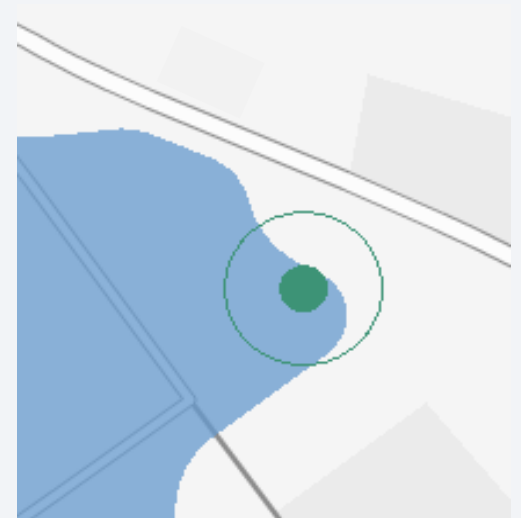
Rotor inside



Rotor inside with
discretion



Rotor outside



Legal consequences in connection with area targets

§ 249 BauGB (Building Law):

Section 2: Legal consequence if the area target is achieved:

Privilege according to § 35 Section 1 BauGB no longer applies to the planning area.

- More difficult approval requirements, but no general ban of wind turbines outside the designated areas

Section 7: Legal consequences of missing the area target:

If the area target is not reached, the direct building privilege of wind energy in accordance with § 35 Section 1 BauGB applies to the plan area.

Interim target SH: 1,3 % of state area not reached at the moment, because:

- One planning region has no legally binding plan for priority areas
- Other two regions have not enough priority areas if measured with rotor inside

Defining criteria for finding the priority areas

Examples for different criteria

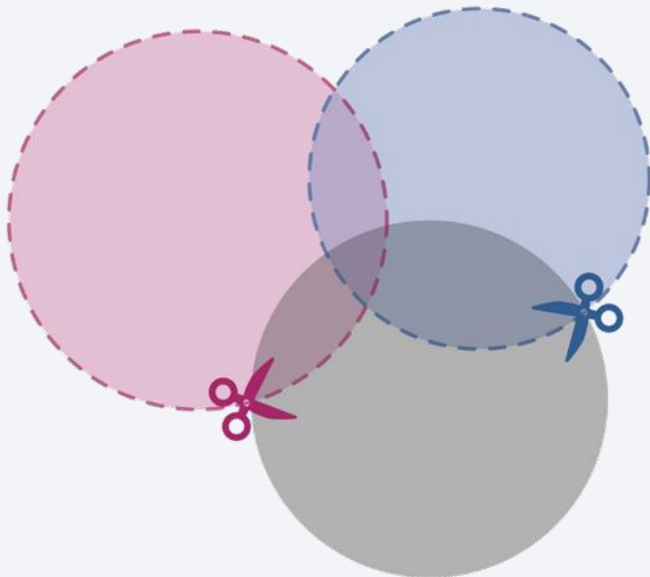
„hard“ criteria (wind turbines impossible / not permitted)	„soft“ criteria (planning requirement for excluding wind turbines)	Individual criteria (planning decision from case to case, if priority area is possible)
250 m distance from all houses forests legally protected biotopes nature conservation areas military properties safety-zones along roads Wadden Sea National Park	400 m distance from houses in outskirt areas 800 m distance from settlements Circuits around airfields Coastal protection dikes + 100 m distance 200 m distance from nature conservation areas	800 m to 1,000 m around settlements Barrier effects in landscape National monument protection Nature parks Areas for compensation Recreation areas Landscape protection areas

**All criteria are defined in the draft of the State Regional Development Plan
(Landesentwicklungsplan)**

Finding the priority areas

„hard“ criteria

„soft“ criteria



Potentially suitable Area



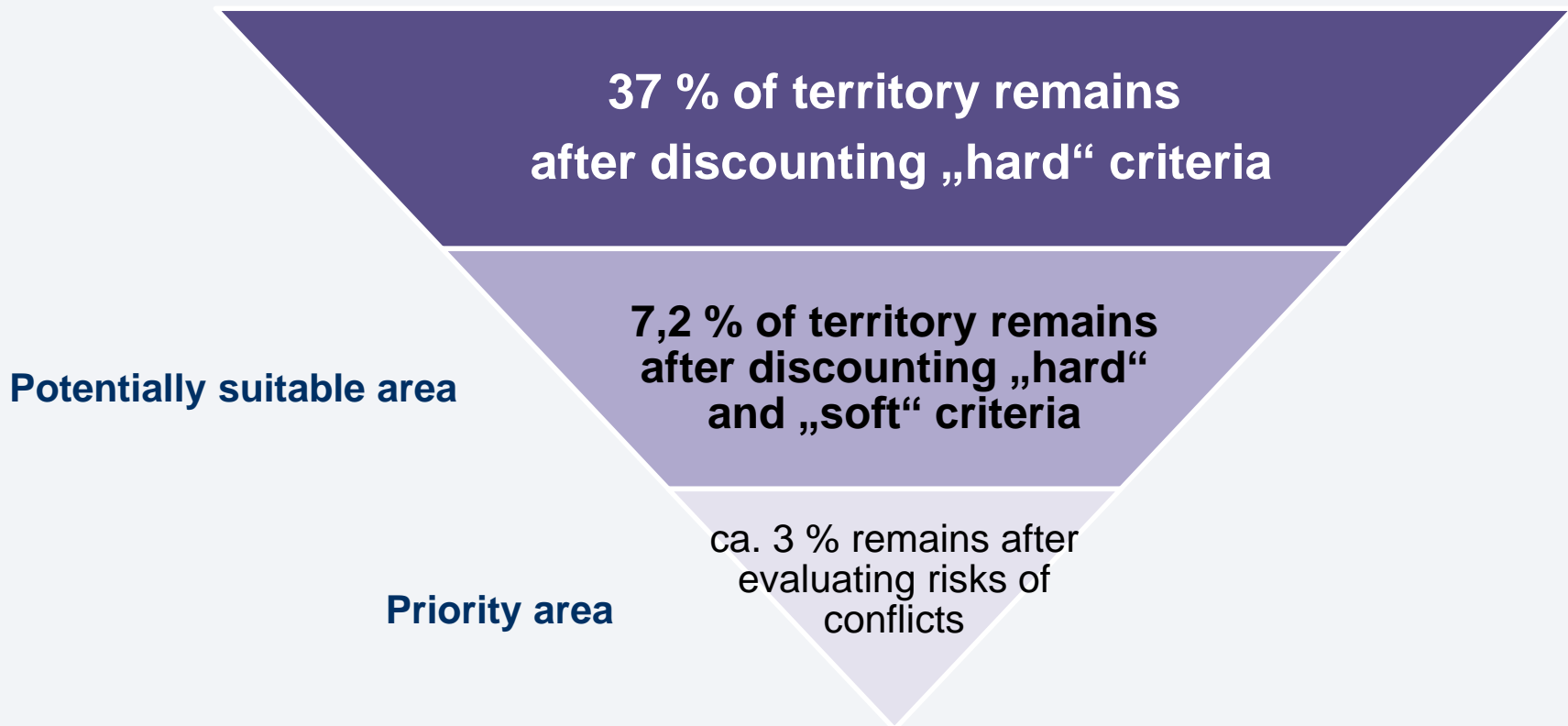
risk of conflict	affected area	
low	0,0	ha
low	0,0	ha
middle	8,4	ha
low	0,0	ha
low	0,0	ha
high	176,8	ha
low	0,0	ha
low	0,0	ha
low	80,4	ha

Priority Area



risk of coflict	affected area	
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha
low	0,0	ha

Finding the priority areas



Renewables acceleration areas (RED III Directive) for wind turbines

Integration of acceleration areas into the regional plans

1. Excluding NATURA 2000 and other areas under national protection
2. Excluding sensitive nature areas by referring to the soft criteria of the State Regional Development Plan
3. Remaining priority areas become acceleration areas
4. Defining rules for mitigation measures on an abstract level appropriate to the scale of the Regional plan and based on existing data about species that are sensitive to wind power

Further Reading

Spatial Plans of Schleswig-Holstein online:

Landesplanung Schleswig-Holstein, Raumordnungspläne
[schleswig-holstein.de](https://www.schleswig-holstein.de) - Gültige Pläne

https://www.schleswig-holstein.de/DE/landesregierung/themen/planen-bauen-wohnen/landesplanung/raumordnungsplaene/raumordnungsplaene_node.html

Draft of State Regional Development Plan for Wind energy:

[schleswig-holstein.de](https://www.schleswig-holstein.de) - Windenergienutzung - Räumliche Steuerung

https://www.schleswig-holstein.de/DE/landesregierung/themen/energie/windenergie-raeumliche-steuerung/windenergie-raeumliche-steuerung_node.html

Contact



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