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National Focal Points for World Heritage

IUCN

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Dear Ms Rössler,

Thank you for your letter of 25 June 2020, in which you request information on the extent to which the transboundary Wadden Sea World Heritage Site may be affected by plans for wind energy use in the Schleswig-Holstein coastal region of the North Sea.

In their letters of 17 March and 1 May 2020, Ms Ursula Bellut-Staeck and Mr Staeck refer to the situation of coastal wind power planning in Schleswig-Holstein, especially in the district of Dithmarschen in the area between Wesselburener Koog and Westerdeichstrich, where they live. They express their concern regarding the threat to bird life (bird migration as a whole, exchange relationships between breeding, feeding and resting sites) and thus also to the integrity of the Wadden Sea World Heritage Site as such.

Their question raised is whether the new regulations, which are based on the partial revision of the 2010 Spatial Development Plan of the Land Schleswig-Holstein and the partial revision of the 2018 regional plans on the topic wind energy, sufficiently take into account the interests of nature conservation, in particular the protection of breeding and resting birds.

Therefore, they fear a devaluation of the area, also in terms of its importance in connection to the Wadden Sea World Heritage Site located adjacent to the dyke, especially against the background of sea level rise and the resulting consequences for resting and breeding birds, which are dependent on suitable, low-disturbance areas of corresponding quality in the coastal area.

They also criticise the inadequate protection of the valuable small-scale biotope structures in the above-mentioned area.

Please let me state the following as an answer to these questions raised by Mr and MS Staeck:

The Wadden Sea, the largest contiguous mudflat area in the world, was inscribed on the UNESCO World Heritage List in 2009. This is the highest international recognition that a natural area can receive, and at the same time an obligation to protect the Wadden Sea and preserve it for future generations. This protection is guaranteed in the individual states (Germany, the Netherlands, Denmark) through existing nature conservation legislation - in Germany in particular through the National pPark laws and not least through the stipulations of spatial planning on both the state and the regional level. With the Trilateral Wadden Sea Plan 2010, there is also a coordinated management plan for the Wadden Sea area, which for Schleswig-Holstein also serves as the Natura 2000 management plan (parts of the Natura 2000 sites DE 0916-391 NTP SH Wadden Sea and adjacent coastal areas (Special area of conservation) and DE 0916-491 Ramsar site SH Wadden Sea and adjacent coastal areas (Special protection area)) for the area of the National Park.

In view of climate change, which is a particular challenge for a federal state with two seacoasts, the state of Schleswig-Holstein is determined to make a substantial contribution to phasing energy production which is harmful to the climate by strengthening renewable energies for environmentally friendly electricity supply. The state government is aware that, with the Wadden Sea National Park and World Heritage Site, it bears responsibility for a very special natural treasure that must be preserved. Reconciling these demands has been done within the framework of spatial planning as the preparatory and regulatory level for future planning in the state which is of spatial relevance.

Spatial Planning lies above all with the Government of Schleswig-Holstein. The Spatial Development Plan comprises the whole area of Schleswig-Holstein, being a framework that defines the basic planning policies.

The so- called regional Plans complement and specify the aims and statements for specific planning areas, which comprise each several of the 14 districts of Schleswig-Holstein.

In addition to the revision of the Spatial Development Plan (LEP) with a time horizon until 2035, which is to be completed in 2021, the responsible state planning authority has partially drawn up the regional plans for the individual planning areas with regard to the subject of wind energy use and separately updated the wind energy chapter of the LEP.

The plans came into force at the end of 2020 and are documented on the internet at www.schleswig-holstein.de/raumordnungsplaene.

This planning process, which lasted several years, included a comprehensive hearing process in which not only authorities and non-governmental organisations but also citizens were able to express their views. This serves the purpose of obtaining the most comprehensive information possible as a basis for the decisions to be made. Mr. and Ms. Bellut-Staeck have made use of the opportunity to submit comments on several occasions (these are part of the documents they made available to you). The state planning authority has examined the submissions made there. The state is striving for concentration planning for wind energy; this will lead to a reduction in the number of wind turbines, especially in the districts of Dithmarschen and Nordfriesland, and to a reduction in the number of wind turbines at many sites, especially those near the coast. At <https://www.schleswig-hol-stein.de/mm/downloads/MILIG/lepWind_2020/Planunterlagen_RP3/Karte_RegPlanWind_PR3West.pdf>. you’ll find a chart depicting the current areas. Attached as Annex 1 is a section of the relevant area showing the previous areas suitable for wind farms (blue colour) and the new priority areas for construction (hatched in black and white) and repowering of wind energy plants (hatched in black and white and outlined in black). These areas are designated for wind energy.

In the following, the process of determining the areas eligible for wind energy use will be described in more detail.

The designation of areas for wind energy use is based on uniform criteria and considerations. Spatial planning is carried out in a process that is gradually consolidated. In order to define the priority areas for wind energy use and repowering, the regional planning authority has first determined so-called taboo criteria, according to which wind power is excluded on certain areas. The potential areas remaining after the application of the taboo criteria were examined in a subsequent weighing-up process to determine whether wind energy use on these areas precludes other uses, insofar as these are not compatible with wind energy use. The criteria are laid down as a planning principle in the Spatial Development Plan and are part of the overarching spatial planning concept (Gesamträumliches Planungskonzept) ([www.schleswig-holstein.de/raumordnungsplaene](http://www.schleswig-holstein.de/raumordnungsplaene)). Annex 2a contains the update of the Spatial Development Plan (LEP) 2010, Chapter 3.5.2 (onshore wind energy) as of 30.10.2020; Annex 2b contains the overarching spatial planning concept. Paragraphs concerning the vicinity of the Schleswig-Holstein Wadden Sea National Park and thus the Wadden Sea World Heritage Site are highlighted in yellow. The concept serves as the basis for identifying the suitable areas and is thus a self-binding planning tool for the government. The planning principles in the LEP and the regional plans are mandatory fort he further developments on the local scale (incl. The licensing processes for the wind energy plants).

When revising the regional plans on the topic of wind energy use, the Schleswig-Holstein state government took into account various criteria and concerns, including, for example, the protection of settlements or the requirements of infrastructure planning, as well as the protection of nature and species. It is undisputed that the coastal area of the North Sea is particularly important for wildlife, especially for bird migration. Exchange movements between feeding, breeding and resting areas in the coastal area between the Wadden Sea and the hinterland play an outstanding role. In the Schleswig-Holstein Wadden Sea National Park, which is part of the transnational Wadden Sea World Heritage Site, the construction and operation of wind turbines is prohibited under the National Park Act. Therefore, the National Park is a special taboo criterion[[1]](#footnote-1) within the framework of regional planning concerning wind energy.

However, beyond the National Park, other taboo and decision criteria for the protection of nature conservation and, in particular, avifaunal aspects were included in the overarching spatial planning concept of the revision of the regional plans on the subject of wind power planning. The following were defined as „soft“ taboo criteria, which also support the protection of the bird life of the national park and the western coast of Schleswig-Holstein: a coastal strip on the North Sea being of outstanding importance as a feeding and resting area outside Special Protection Areas (which was delimited in terms of width on the basis of known characteristics, species occurrences and documented interrelationships while taking into account the existing wind farms), a surrounding area of 300 m around the National Park and SPAs as well as SPAs as such where wind farms shall be excluded. In addition, further criteria to be considered comprise of breeding areas for certain species of limicoles and a surrounding area of 300 m to 1,200 m for SPAs serves to protect birds on the western coast of Schleswig-Holstein.[[2]](#footnote-2)

For the state government, it is undisputed that many parts of Schleswig-Holstein are of great importance for bird migration, also and especially in the area of the North Sea coast. Thus, the appropriate consideration of the concerns in spatial planning via the corresponding criteria for taboo areas and areas for consideration for the construction and repowering of wind turbines is also in the interests of the state government. The specialist departments have been involved in the coordination of the criteria and have commented comprehensively on them. In particular, the importance of protecting the bird life in the Wadden Sea National Park and World Heritage Site. This also includes a coastal strip along the North Sea where important exchange relationships and migration routes exist, which continues to be stipulated as a soft taboo criterion.

With the selection of criteria and minimum distances, the state ensures that fundamental impairments are avoided by excluding sensitive areas from development with wind turbines. Within the framework of the revision of the regional plans, environmental reports were prepared for the three planning areas in accordance with the legal requirements of the Spatial Planning Act; studies from existing approval procedures or plans were also included. As a result of the assessment, it was determined that the methodology used to select the priority areas resulted in the choosing of those alternatives that have the least impact on the environment and ensure an orderly overall concept.

Each individual potential site was assessed for its suitability with regard to the abovementioned criteria before it was included in the respective regional plan. In cases where there may be a minor deviation from the specified distances to protected areas, the compatibility with the objectives of Natura 2000 areas or the compatibility with species‘ protection concerns has been assessed. The assessments according to Art. 6 of the habitats directive carried out for the priority areas for wind energy are also documented on the Internet at [www.schleswig-holstein.de/raumordnungsplaene](http://www.schleswig-holstein.de/raumordnungsplaene).

 In addition, a specific assessment of the compatibility with environmental law (nature protection, immissions) will be carried out in the subsequent approval procedure for the wind power plants.

In this specific case, however, Ms. and Mr. Staeck seem to be primarily concerned about the erection of a small wind turbine (Kleinwindkraftanlage -KWKA) in the municipality of Westerdeichstrich, not far from their holiday home. However, this type of project (a wind turbine close to the farm with a total height of 22.7 m) is not considered an installation of spatial significance and therefore not subject to the criteria of the regional plan. Consequently, the Dithmarschen district nature conservation authority submitted a comprehensive statement during the concrete approval procedure, which also addressed the possible impairment of bird migration and the Natura 2000 site, including the National Park (see annexes). The assessment, that the construction and operation of the KWKA plant will not have a significant impact on bird migration or breeding birds, can be supported by the respective state authorities.

The need to protect inland areas that are important for the exchange with the Wadden Sea will be examined by the competent authorities. The specific requirements for nature protection and restoration of certain areas are subject to landscape planning, which is done by the Ministry fort he Environmental for the whole stae area and laid down in a framework for specific parts of the state, the so-called Landschaftsrahmenpläne. The relevant parts are integrated into the corresponding regional plans.

No such need for designation as a nature conservation area or other protected area within the meaning of Article 20 of the Federal Nature Conservation Act has been identified for the area between the Meldorfer Speicherkoog and the extensive foreland salt marshes in the Wesselburen area. (see also Landscape Framework Plan Area III, 2020, Chap. 4.1.1 - https://www.schleswig-holstein.de/mm/downloads/MELUND/Landschaftsrahmenplanung/LRPIIIHauptteil.pdf ; the protected biotopes (acc. to §20 BNatSchG) can be viewed at *Biotope Mapping Schleswig-Holstein*: http://zebis.landsh.de/webauswertung/;jsessionid=5FFCA8F231FD1394B1F08FD7D5474343.nodeTC02ext ). **Annex 3** depicts the relevant section for the area in question (showing SPA (dark green);SAC (orange) nature reserves (light green) and Biotopes acc. to §20 BNatSchG (yellow)).

The designation of the small-scale structures which, as legally protected biotopes, are subject to a prohibition of alteration and destruction under the Federal Nature Conservation Act (the water meadows and watercourses mentioned in the letter by Ms and Mr Bellut-Staeck) as a coherent conservation area is not considered necessary in the current landscape framework plan. Consideration of the protection concerns takes place specifically at the level of approval through the necessary assessment procedures of both environmental and nature conservation law.

The competent authorities have no knowledge that the population numbers of the species listed in the letter can solely be blamed on the lack of sufficient protected areas for the inland areas. The development of the populations of both migratory and breeding birds, of which several species of waterfowl, waders and birds of prey are mentioned in the letter, is rather based on many factors. In addition to the current management of the areas, other aspects such as food availability, predators and influences along the migration route play also an important role. Finally, the effects of climate change must also be taken into account.

The state of Schleswig-Holstein is aware that, in addition to its own responsibilities, cross-state cooperation is essential for the long-term conservation of the Wadden Sea World Heritage Site. Therefore, numerous staff members not only in Schleswig-Holstein, but also within the framework of the Trilateral Wadden Sea Cooperation (TWSC) on a regional level throughout the Wadden Sea and beyond, collaborate in order to ensure the integrity of the World Heritage Site and its safeguarding.

The answer has therefore been elaborated after due consideration with the relevant body within the TWSC, which comprises the members of the competent authorities from Germany, Denmark and The Netherlands being rsponsible for the protection and safeguarding oft he Wadden Sea World Heritage Site.

I hope that these remarks and the enclosed information have been helpful to you. I remain

Yours sincerely,

1. This kind of taboo criteria refer to legal regulations that are not amenable to general consideration, such as the prohibition on erecting wind turbines in national parks and nature conservation areas. [↑](#footnote-ref-1)
2. The central importance of securing protected areas in spatial planning on the one hand, with the associated distance areas, and the concrete allocation of areas suitable for wind energy which are limited to a total of just 2% of the state's area (wind power use in the coastal sea is not envisaged) on the other hand has also been introduced in the context of the project to develop the Guidance document for Wind Energy and World Heritage Sites. [↑](#footnote-ref-2)