**Scoping document for the environmental assessment of the partial update of the state development plan and the partial list of regional plans for planning areas I, II and III in Schleswig-Holstein (onshore wind energy)**

(for those responsible for public affairs whose environmental and health-related areas of responsibility may be affected by the environmental impacts caused by the updating of the state development plan and the preparation of the regional plans, each on the topic of onshore wind energy)

**1 Preliminary remarks**

On January 15, 2024, the state planning authority announced its general planning intentions for the partial update of the state development plan as well as the partial preparation of the regional plans for planning areas I, II and III, each on the topic of wind energy, and initiated the corresponding preparation procedures (cf. Official Journal Schl.- H. 2024, p. 78 ff.).

In accordance with Section 8 of the Spatial Planning Act (ROG) of December 22nd, 2008 (BGBl. I p. 2986), last amended by Article 1 of the law of March 22nd, 2023 (BGBl. 2023 I No. 88), the preparation and changes are required of spatial planning plans to carry out an environmental assessment within the meaning of Directive 2001/42/EC of the European Parliament and of the Council of June 27, 2001 on the assessment of the environmental effects of certain plans and programs (hereinafter referred to as the SEA Directive).

An environmental report to be prepared in accordance with the criteria of Annex I of the SEA Directive must identify, describe and evaluate the likely significant impacts that the implementation of the respective spatial planning plan will have on the environment, as well as other planning options. The environmental assessment also includes examining the compatibility with the conservation objectives of the areas of community importance and the European bird sanctuaries. The results of the environmental assessment must be documented in an environmental report.

The scope of the environmental assessment must be determined, including the required scope and level of detail of the environmental report. This “scoping” is the central control instrument for controlling the content of the subsequent environmental audit process early, on a case-by-case basis and efficiently. The public bodies whose environmental and health-related areas of responsibility may be affected by the environmental impacts of a spatial planning plan, including the neighboring federal states of Lower Saxony, Mecklenburg-Western Pomerania and Hamburg, must be involved in this. It may also be useful to involve third parties. This may include other public and private bodies, experts and experts such as individual environmental associations with specific knowledge of the subject of the investigation. If the authorities to be involved have information that is useful for the environmental report, they submit it to the responsible authority.

Cross-border impacts to Denmark require cross-border participation from the member state. With this letter, the planning authority provides the authorities and bodies involved in scoping with a rough concept of the plans' definitions as well as a proposal for the investigation framework. The information is based on the current planning status.

**2 Subject of the partial update of the state development plan and the partial preparation of the regional plans for planning areas I, II and III**

The partial update of the Schleswig-Holstein state development plan on the subject of onshore wind energy (LEP Wind) only contains provisions on wind energy. The framework-setting textual goals and principles of spatial planning in the LEP Wind should subsequently be fleshed out on the area through the regional goals and principles in the relevant regional plans. The environmental test is assigned to the respective test object. For the LEP Wind, for example, these are the exclusion criteria for the use of wind energy as spatial planning goals, and for the regional plans the specific area specifications. Since the plans of both planning stages are integrated and developed against the background of uniform goals and principles of spatial planning that reflect environmental concerns in accordance with the precautionary principle, there are optimal conditions for consistent processing from an environmental perspective.

The aim of the environmental assessment is to contribute to environmental optimization while the respective plan is being drawn up and to then document the result in the environmental report. The regional plans should define priority areas for the use of wind energy to an extent that achieves the area contribution values required by the law determining land requirements for onshore wind turbines (WindBG). The priority areas are determined systematically and methodically for the entire state of Schleswig-Holstein. In a first step, the state government sets exclusion criteria in the form of spatial planning objectives, according to which the use of wind energy in certain areas should be excluded from planning precautionary considerations. These are predominantly environmental concerns. In a second, deliberative step, the remaining potential areas will be examined based on the principles of spatial planning to determine whether the use of wind energy can prevail on these areas over other uses with the lowest possible potential for conflict.

**3 Principles and task of environmental assessment**

The environmental assessment is an independent part of the process for partially updating the LEP and the partial preparation of the regional plans on the topic of onshore wind energy. It supplements the procedures with procedural and content-related tasks in accordance with the requirements of Section 8 ROG. As part of the SEA, the main environmental impacts of the LEP and the regional plans on the subject of onshore wind energy are to be determined, described and evaluated. The result must then be taken into account appropriately within the framework of the official decision on the plans mentioned. The following protected assets must be taken into account as part of the environmental assessment (Section 8 Paragraph 1 ROG):

1. People, including human health, animals, plants and biodiversity;

2. Area, soil, water, air, climate and landscape;

3. Cultural goods and other material goods as well

4. the interaction between the aforementioned protected goods.

Overall, the environmental assessment should consider the spectrum of factors that are legally required. The results of the environmental assessment must be documented in an environmental report in accordance with Section 8 Paragraph 1 ROG, which forms the basis for public and authority participation. The scope of the investigation, i.e. content and methodology of the environmental report, must be determined as part of the scoping. The scope and level of detail of the information to be included in the respective environmental reports are determined by the legal provisions that govern the decision to prepare, accept or amend the plans.

The respective environmental report contains the information that can be determined with reasonable effort, taking into account the current state of knowledge and public statements known to the state planning authority, generally recognized examination methods, content and level of detail of the respective plan and its position in the decision-making process. It is taken into account that the state development plan and regional plans represent two-stage planning, so that environmental impacts of the upstream LEP no longer have to be examined at the regional plan level.

**4 Content criteria of the environmental assessment**

Since the environmental assessment is a dependent part of the procedures for the partial updating of the LEP and the partial preparation of the regional plans on the subject of onshore wind energy and the audit contents of the state and regional planning already largely concern environmental concerns, the aim is to include as much as possible in the environmental assessment to use test criteria that have already been defined in spatial planning. The main substantive basis for the environmental assessment is formed by the objectives and principles of the partial update of the state development plan on the subject of onshore wind energy in order to determine suitable or excluded areas for the use of wind energy at the regional plan level. A direct reference to the spatial planning test criteria ensures that the environmental assessment contributes to its environmental optimization during the preparation of the respective plan. Areas defined as exclusion areas based on spatial planning-relevant environmental criteria are excluded from the outset. For the areas to be examined based on environmental consideration criteria, the aim is to have as little impact as possible. The remaining areas of concern are documented in the regional plans based on priority areas and in area profiles based on criteria. In addition, the environmental reports of the regional plans also consider the overall impact of the criteria by summing up all impacts on the priority areas for wind energy use. According to the current preliminary revision status, the following environmental criteria will be used as the basis for the environmental assessment.

Objectives of spatial planning in the form of exclusion criteria to take environmental concerns into account:

The designation of wind energy areas and the construction of spatially significant wind turbines should be excluded in the following areas:

People and human health:

– Overplanned interior areas in accordance with Section 30 of the BauGB, non-overplanned interior areas in accordance with Section 34 of the BauGB as well as planned settlement area designations including a distance of 800 m;

– Single houses and fragmented settlements in the outside area, commercial areas and commercial space designations established in the planning including a distance of 400 m;

– Settlement axes, special settlement areas and development and relief locations defined in the regional plans.

Animals, plants, biological diversity:

– Nature reserves (NSG) and FFH areas;

– Areas that are temporarily secured as NSG in accordance with Section 22 BNatSchG in conjunction with Section 12a paragraph 3 LNatSchG;

– Areas for which the procedure for placing them under protection has been initiated in accordance with Section 12a Paragraph 2 LNatSchG;

– Areas that meet the requirements for protection under Section 23 BNatSchG in conjunction with Section 13 LNatSchG;

– Distance depending on the protection objective around the aforementioned areas;

– Wadden Sea National Park including a protective distance and North Frisian Halligen outside the national park;

– EU bird protection areas including a protective distance;

– Density center for sea eagle occurrence;

– Surrounding area of the mass winter roosts for bats with a radius of 3,000 meters;

– Coastal strip on the North Sea and on Fehmarn with outstanding importance as a feeding and resting area outside of EU bird sanctuaries and on the island of Helgoland;

– In internationally important feeding areas, roosting areas and flight corridors of Bewick's swans that lie outside EU bird sanctuaries;

– Colonies of black terns and the salmon tern colony near Neufeld including a protective distance;

– legally protected biotopes;

– Forest areas including a distance of 30 meters;

– Natural forests with an extended distance as well

– immediate bridgeheads and priority feeder corridors for crossing aids to connect wildlife populations.

Water, soil:

– Waters that are defined as federal inland waterways in accordance with Section 1 Paragraph 1 Sentence 1 of the Federal Waterways Act (WaStrG);

– Rivers and water areas larger than one hectare as well

– Zones I and II of the designated water protection areas.

Air, climate:

– recorded with the criteria in other protected goods.

Landscape:

– no target formulations as exclusion criteria.

Cultural and other material goods:

– Views of the UNESCO World Heritage Site “Hanseatic City of Lübeck”;

– Exclusion zone around the UNESCO World Heritage Site “Archaeological Border Complex Haithabu and Danewerk”;

– Infrastructure such as road planning, state protection and regional dikes, airfields or radar facilities as well

– Priority areas for the mining of near-surface raw materials as well as approved mining areas.

Principles of spatial planning in the form of balancing criteria for taking environmental concerns into account:

In the following areas, it should be checked in each individual case whether they are compatible with the use of wind energy:

People and human health:

– Distance range of 800 - 1,000 meters around over-planned interior areas in accordance with Section 30 of the BauGB, non-over-planned interior areas in accordance with Section 34 of the BauGB and around planned settlement areas, provided that wind energy is not yet being used in this area;

– planned settlement area designations, which are classified in accordance with Section 35 of the Building Code, with a distance comparable to the settlement area;

– planned settlement developments in municipalities and cities;

– Urban and surrounding areas in rural areas as well as densely populated areas in the Hamburg, Lübeck and Kiel regulatory areas;

– Focus areas for tourism and recreation and core areas for tourism and/or recreation;

– regional green spaces as well

– Covering local areas with wind turbines.

Animals, plants, biological diversity:

– expanded surrounding area around EU bird sanctuaries;

– feeding areas for geese (excluding greylag geese and neozoa) and whooper swans outside EU bird protection areas;

– Main axes of supra-regional bird migration;

– meadow bird breeding areas;

– Breeding places for large birds sensitive to wind power, such as sea eagles, red kites, black storks and white storks, with protective distances;

– Priority areas and important connection axes of the protected area and biotope network system;

– Areas in which several small biotopes are located close together in a small space

– Radius around important nationally important sleeping waters for cranes.

Water, soil:

– Protective strips around bodies of water established in accordance with Section 35 Paragraph 2 of the LNatschG;

– Priority areas for inland flood protection, priority areas for preventive inland flood protection;

– Valley areas on natural water bodies and on HMWB water bodies as well

– Geotopes worth protecting.

Air, climate:

– recorded with the criteria in other protected goods.

Landscape:

– landscape protection areas;

– Nature parks as well

– North Frisian Islands.

Cultural and other material assets:

– matters of monument protection;

– Keeping the visual corridors around the UNESCO World Heritage Site “Archaeological Border Complex Haithabu and Danewerk” clear for reasons of monument protection;

– spatial requirements of defense;

– Infrastructure such as roads, overhead lines as well

– Reserved areas for the mining of near-surface raw materials.

**5 Structure and content of environmental reports**

The central content document of the environmental assessment is the environmental report in accordance with Section 8 Paragraph 1 ROG in conjunction with Annex 1 to the ROG. An independent environmental report is prepared for both the partial update of the LEP Wind and the partial update of the three regional plans.

All essential content of the environmental assessment must be documented in the environmental reports for the public and the authorities involved. The environmental report contains the environmentally relevant information that can reasonably be requested from the planner based on the current state of knowledge and generally accepted test methods as well as the content and level of detail of the spatial planning plans. In accordance with the regulations of Appendix 1 to the ROG, the environmental report contains statements on the following topics:

5.1 Introduction and brief description of the contents and objectives of the respective plan with the following information

a) Brief description of the content and main objectives of the spatial plan;

b) Presentation of the environmental protection objectives set out in the relevant laws and plans that are important for the spatial plan and the way in which these objectives and environmental concerns were taken into account during its preparation.

The introduction contains statements about the reason and the relevant legal basis, the procedural steps, the content, objectives and methodology of the environmental assessment. In addition, the results from the scoping process are documented if they require relevant adjustments.

5.2 Description and assessment of the environmental impacts that were determined in the environmental assessment in accordance with Section 8 Paragraph 1

a) inventory of relevant aspects of the current environmental status, including the environmental characteristics of the areas likely to be significantly affected, including areas of Community importance and European bird sanctuaries within the meaning of the Federal Nature Conservation Act;

b) Forecast of the development of the environmental condition when planning is carried out and when planning is not carried out;

c) planned measures to avoid, reduce and offset the adverse effects and

d) other planning options that may be considered, taking into account the objectives and spatial scope of the spatial planning plan.

This part includes the description and assessment of the environmental impacts of the principles and objectives formulated in the respective plan and the planned priority area representations. For the areas under consideration for wind energy use, a differentiated, area-related assessment is carried out according to the protected areas of the environmental assessment and the criteria presented in Chapter 4 above. The assessment is based on the current environmental condition and the values and functional elements expected for the individual protected assets in the area. The presentation of the environmental condition, as well as the description and assessment of the environmental impacts, should refer to the spatial environmental criteria presented in Chapter 4. The results of the landscape framework planning are also used as a data basis. The area profiles for the individual priority areas should describe the aspects mentioned on an individual basis.

The test results are documented in a tabular summary form for the respective overall plan (LEP and regional plans) and in area profiles for the respective priority areas (regional plans only).

The presentation of alternatives should relate to the selection of priority areas. If this arises in the further planning process, alternative balancing decisions are examined, which may result from a different weighting of the balancing criteria.

5.3 The following additional information:

a) description of the main characteristics of the technical procedures used in the environmental assessment and indications of difficulties encountered in compiling the information, for example technical gaps or lack of knowledge,

b) Description of the planned measures to monitor the significant impact of the implementation of the spatial plan on the environment and

c) generally understandable summary of the required information.

Where necessary, references to difficulties that arose when compiling the information, for example a lack of detail in the data, are presented here. It is intended to describe the measures to monitor the significant impacts of the implementation of the respective spatial plan. The result of the environmental assessment is summarized under the other information in a generally understandable and non-technical form. A distinction is made between individual tests and the overall plan consideration.

**6 Further information on the depth and methodology of the investigation**

The environmental reports for the LEP and the regional plans later derived from them are processed in a methodically comparable manner and coordinated accordingly without contradictions. In order to take into account the aspects of the overall assessment and the consideration of likely significant environmental impacts based on individual principles, goals and priority areas, the environmental assessment is structured in several stages.

– The subject of the LEP is, on the one hand, the definition of overarching strategic goals and principles. On the other hand, in order to later determine priority areas at the regional plan level, areas are excluded nationwide as part of the partial update of the LEP Wind in accordance with the spatial planning objectives previously listed in Chapter 4. This results in a landscape of potential priority areas for wind energy use.

– In a second step, the potential priority areas will be examined in more detail at the regional plan level for possible significant adverse environmental impacts based on the principles of spatial planning previously presented in Chapter 4. This makes it possible to optimize the layout of the areas as the plan is drawn up.

– In a final step, the priority area landscape is considered in its entirety, taking into account cumulative effects and other interactions as well as possible positive and negative summary environmental impacts. This step is also based on a summary determination of whether the environmentally relevant spatial planning principles presented in Chapter 4 are affected.

The specification of the protected assets is based on the relevant environmental protection goals. These result from the specialist laws and specialist programs relevant to the spatial planning plans. These should be mentioned in particular:

– §§ 1 and 2 ROG – guiding principles and principles of spatial planning (see also Part A of the LEP, update 2021),

– Section 34 BNatSchG – Natura 2000 compatibility,

– § 1 BNatschG – Nature Conservation Goals (LNatSchG),

– § 50 BImSchG – requirement to separate incompatible uses according to the aspects of immission protection,

– Landscape framework plans.

The environmental goals represent the “red thread” in the environmental report, as they underlie all the work steps in creating the environmental report and thus serve to ensure the manageability and transparency of the environmental report. A further operationalization of the environmental goals is carried out using the criteria mentioned in Chapter 4, which are derived from the avoidance of being affected by environmental concerns, for determining suitable areas at the regional plan level.

On the other hand, the assessment is based on the current environmental condition and the values and functional elements expected for the individual protected assets in the area. If areas are designated near the external administrative boundaries of the planning areas, the examination area is enlarged accordingly. The test results are documented in a tabular summary form for the respective overall plan (LEP and regional plans) and in data sheets for the respective priority areas (regional plans only). Statements about possible species protection conflicts and the compatibility of the priority areas with the Natura 2000 protected area network (FFH impact assessment) will only be made in the environmental assessment of the regional plans, if it is planned to designate priority areas in the surrounding area up to 1,000 meters from EU bird sanctuaries.

For the regional plans, the impact of the protection concerns is presented and evaluated based on criteria in data sheets. The intensity of the possible impact (risk of conflict) of the different weighing criteria is assessed on several levels. Basically, the assessment is based on the percentage of area affected by the respective criteria. A “minor” impact usually occurs when the potential area is not affected at all by the criteria. A “high” level of concern usually occurs when the majority of the potential area (e.g. > 75%) is overshadowed by the criteria. On the basis of this assessment, the authority drawing up the plan aims to optimize the selection and delimitation of the priority areas in such a way that the impact of the balancing criteria and thus the overall conflict risks are reduced to a minimum. The level of specificity of the review corresponds to the scale of the regional plans. When making a preliminary assessment of possible species protection conflicts, it must be clarified at the regional planning level for all plan specifications whether and, if so, for which species species protection conflicts can be identified. In particular, the occurrence of wind power-sensitive species is considered, as these have particular legal relevance for the downstream planning and approval procedures unfold. For the assessment that goes beyond the application of the taboo criteria, the balancing criteria and information listed in Chapter 4 under the protected animals and plants should be applied. When assessing compatibility with Natura 2000 areas, the conservation objectives and protective purposes of the areas must be taken into account and it must be checked whether the distance to be used as a basis sufficiently ensures that compatibility is guaranteed. Mitigation measures that are suitable for avoiding or minimizing potentially significant impairments can be taken into account when assessing the materiality. They must then be specified in the textual goals of the regional plan. Particularly with regard to the European species and area protection criteria, it should be noted that, due to the scale, a final decision on admissibility can only be made during the approval process.

**7 Intended timing**

The environmental assessment of the partial update of the LEP Wind is carried out in parallel to the plan preparation process. This means that the draft plan is developed in a temporal context and interaction with the environmental report. The findings of the environmental assessment are used directly to optimize planning decisions. After evaluating and taking into account the statements on scoping, the draft plan and the environmental report, which will be part of the plan explanations, are expected to be completed for the partial update of the LEP Wind in the second quarter of 2024. The LEP draft and environmental report will then be subject to public participation. If public participation results in significant changes to the LEP draft and environmental report, this will lead to a plan change and a second public participation.

For the regional plans on the subject of onshore wind energy, the plan documents, including the respective environmental reports, are expected to be completed and published in the fourth quarter of 2024 due to the greater work and testing effort.