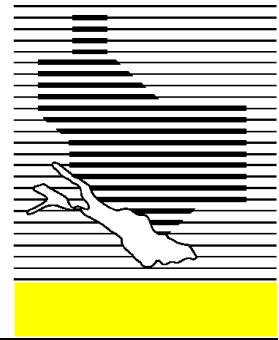


# Regionalverband Bodensee-Oberschwaben

Corporation under public law



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Regional Association of Lake Constance-Up-  
per Swabia

5th of February, 2023

## **Information provided by the Regional Association of Lake Constance-Upper Swabia (Regionalverband Bodensee-Oberschwaben) regarding the wind energy priority zones in the vicinity of the Wurzacher Ried and the consideration of species, nature and landscape conservation in the planning process**

Dear Sir or Madam,

The Regional Association of Lake Constance-Upper Swabia is responsible for regional planning in the region in which the Wurzacher Ried is located. In accordance with federal and state legislation, the Regional Association is tasked with designating 1.8% of the region's total area as priority zones for the production of wind energy by the end of 2025. The implementation of this goal poses significant challenges for the Regional Association, as there are numerous conflicts in the Lake Constance-Upper Swabia region that hinder the utilisation of wind energy.

If the Regional Association achieves this goal, wind turbines will only be permitted in the designated wind energy zones. If the goal is not achieved, wind turbines will be permitted by default throughout the entire region, and the regional or local planning designations will cease to be effective in terms of preventing the installation of wind turbines in critical places. **The Regional Association aims to avoid the risk of uncontrolled development, or “wild growth”, through comprehensive and carefully balanced spatial planning.** In the Wurzacher Ried, an increase in wind turbines at sensitive locations can be expected if the Regional Association fails to achieve its area target.

On 18 September 2023, the Regional Association sent a letter to the Council of Europe detailing the extent to which the plans for wind energy priority zones are compatible with the European Diploma status of the Wurzacher Ried. In this letter, the Regional Association introduced a “protection zone” for the Wurzacher Ried to protect the European Diploma, we explained our approach and requested the Council's opinion. A copy of the letter is attached to this letter as Annex 1. We are aware that a group of experts from the Council of Europe will meet on 20/21 February 2024. This letter is intended to serve as a further source of information for that meeting.

The draft version of the Subregional Energy Plan, in which the wind energy priority zones are defined, has been under consultation since 29 January 2024. Public bodies and members of the public are invited to submit their responses. All documents relating to the consultation process can be found here: [www.rvbo-energie.de/#anhoerung](http://www.rvbo-energie.de/#anhoerung). Responses can be submitted via <https://beteiligung-regionalplan.de/Bodensee-Oberschwaben> until 29 April 2024.

**The current draft of the wind energy priority zones is based on a comprehensive planning concept in which all relevant interests were weighed against each other at the regional level.** In addition, a Strategic Environmental Assessment (SEA), a species protection assessment and a Natura 2000 pre-screening were conducted. All documents related to these assessments are accessible via the internet addresses provided above.

We are aware that the association “Landschaftsschützer Oberschwaben-Allgäu e.V.” contacted the Council of Europe in November 2023 and informed it about the current situation in the Wurzacher Ried. This association – like any person or institution – can express an opinion during the consultation process. We will consider this opinion, along with all others, in the overall assessment. In this context, we would like to emphasise once again that the Regional Association is legally obliged to designate 1.8% of the region’s total area for regional wind energy production. It is therefore essential that the Council of Europe and the expert group familiarise themselves thoroughly with the Regional Association’s planning approach. No other party has examined and weighed up all the factors in favour of and against wind turbines in the region, and in the area surrounding the Wurzacher Ried, as comprehensively and in such detail.

### **Area selection process / planning concept**

More than 160 exclusion, conflict and suitability criteria were applied to determine suitable areas for wind energy priority zones. **The entire area of the Lake Constance-Upper Swabia region was examined for potential sites for wind energy utilisation.** All applied criteria can be found in the catalogue of criteria in Annex 2a.<sup>1</sup> In the first planning step, so-called search areas for wind energy priority zones were identified. The region’s total area was narrowed down on the basis of exclusion criteria and highly significant conflict criteria. Nature conservation areas, along with a buffer of 200 m, as well as habitat types and habitats protected under the European Birds Directive (so-called SPA areas) and FFH areas were not part of the search area, which covered approximately 11% of the region at the time the plan was drawn up. During subsequent planning stages, the search areas were analysed in greater depth regarding their specific suitability. The basis for this evaluation was the suitability criteria and other conflict criteria.

After applying the described planning steps, an informal area outline was created. This was used as the basis for coordination discussions with municipalities and specialist bodies in summer 2023. Relevant restrictions, particularly those linked to national defence, civil aviation and nature and species conservation, were brought up during discussions with the specialist bodies. As a result, it became necessary to once more significantly decrease the informal area outline. In the end, 65 potential wind energy priority zones were included in the environmental assessment, of which 43 were incorporated into the draft version of the Subregional Energy Plan. The area selection process is detailed in the justification for the planning approach in Section 4.2.1 of the Subregional Energy Plan. Thanks to the site selection process and the timely, thorough consideration of the exclusion and conflict criteria, these areas exhibited minimal conflicts even before the completion of the Strategic Environmental Assessment, the Natura 2000 pre-screening and the species protection assessment.

### **Expert report on species protection for regional planning**

This specialist report<sup>2</sup>, issued by the Ministry of the Environment of Baden-Württemberg, was created for all Regional Associations in Baden-Württemberg to support the process of wind energy planning. Its goal was to identify the most significant source populations of species known to be impacted by wind turbines, as well as other selected bird and bat species statewide, in order to safeguard their conservation status throughout the federal state in the context of the

<sup>1</sup> We have translated the criteria for species and nature conservation and landscape protection into English for you (Annex 2b)

<sup>2</sup> Ministry for the Environment, Climate Protection and the Energy Sector Baden-Württemberg (UM), State Institute for the Environment Baden-Württemberg (LUBW) (2022): Expert report on species protection for regional wind energy planning. URL: [https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Stuttgart/DocumentLibraries/AktuellesAnhang/2022/221031\\_Fachbeitrag\\_Artenschutz.pdf](https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Stuttgart/DocumentLibraries/AktuellesAnhang/2022/221031_Fachbeitrag_Artenschutz.pdf)

planned wind energy expansion. The report delineates potential key zones for legally protected bird and bat species known to be impacted by wind turbines.

Category A potential key zones represent ecologically valuable conservation areas for the above-mentioned species. They have a high conservation value within the federal state, encompassing its most significant sites for (source) populations, and/or are crucial habitats for a substantial number of species (at least four) known to be impacted by wind turbines. Around half of the Category A habitats identified across the federal state are also home to species known to be impacted by wind turbines, which are also classified as highly endangered with an unfavourably poor conservation status and/or are particularly rare (so-called special-status species). **Category A potential key zones are kept entirely free of priority wind energy zones.**

Category B potential key zones denote areas of high conservation value within the federal state. These areas encompass critical areas for (source) populations and/or are vital habitats for a significant number of species (at least three) known to be impacted by wind turbines. However, it is highly likely that an exception under species protection law can be granted in the subsequent approval procedure for site planning. **Ninety-nine per cent of the region's Category B potential key zones will remain entirely free of wind energy priority zones.**

#### **Strategic Environmental Assessment, Natura 2000 Preliminary Assessment, species protection assessment**

**Review of alternative proposals for wind energy priority zones:** In accordance with the legal requirements (Section 2a (2), Annex 1 No. 2d of the State Planning Act [Landesplanungsgesetz]), the Regional Association has carried out a review of alternative proposals. The alternatives to be evaluated were determined during the area selection process. Of the 65 potential priority areas that were examined, 43 were categorised as wind energy priority zones and 22 were excluded (so-called alternative areas). The reasons for their exclusion were based on the results of the Strategic Environmental Assessment, the Natura 2000 Preliminary Assessment, the species protection assessment and/or the overall spatial planning assessment.

**Strategic Environmental Assessment:** In accordance with the SEA Directive, all potential wind energy priority zones were examined in detail as part of a Strategic Environmental Assessment to determine their impact on human well-being, flora, fauna, biological diversity, land, soil, water, climate/air, the landscape, as well as cultural and material assets.

**Natura 2000 pre-screening:** This assessment was conducted for those potential wind energy priority zones for which it was possible that a Natura 2000 area might be situated within a potential priority zone or in a relevant neighbouring area. Drawing upon the available data and information and involving extensive coordination with nature conservation authorities and environmental organisations (Bund für Umwelt und Naturschutz Deutschland, Landesnaturschutzbund), a preliminary assessment was conducted to gauge whether the proposed plan could have a serious negative impact on the specific conservation goals for the Natura 2000 area, or if such an impact could be unequivocally ruled out.

**Species protection assessment:** An approximate forecast regarding the impact on relevant species was conducted in the potential areas designated for wind energy production. The Regional Plan's compliance with the prohibitions under species protection laws (sections 44, 45 BNatSchG) was assessed to determine the extent of any potential violations. This process involved close coordination with the nature conservation authorities.

Thus, an assessment of all environmental concerns at this specific level has already been carried out. The overall integration of the Natura 2000 network and the national conservation area categories was therefore considered, including the expanded buffer zones. Conservation measures in potential key zones for species known to be impacted by wind turbines, as well as other relevant considerations in the proximity of Wurzacher Ried, were thoroughly assessed. This is clearly illustrated on the map in Annex 3.

### **Consequences for the Wurzach Basin**

The area of the Wurzacher Ried has the highest wind potential in the region (see Annex 4). For this reason, it is highly suitable for wind turbines and the Regional Association is dependent on wind energy priority zones in the area surrounding the Wurzacher Ried. **The Wurzacher Ried itself as a nature reserve, FFH area, SPA area and legally protected biotope will be kept free of wind energy priority zones, including a buffer zone of at least three kilometres.**

**Regarding the demarcation of the wind energy priority zones in the vicinity of the Wurzacher Ried:** Annex 3 illustrates the demarcation of the wind energy priority zones in the vicinity of the Wurzacher Ried, as it stood in summer 2023 as per the interim plan. The illustration includes the wind energy priority zones, alternative areas (eliminated following the environmental assessment), and deleted areas (removed prior to the environmental assessment due to various conflicts). **It is evident that many potential areas for wind turbines in the vicinity of Wurzacher Ried have already been excluded in the preliminary stages in the run-up to the draft version of the Subregional Energy Plan.** Looking at the difference between the actual wind energy priority zones and the alternative areas and deleted areas, it is apparent that the Regional Association has refrained from utilising numerous areas despite their high wind potential – a decision made in part to safeguard the Wurzacher Ried. **Excluding additional areas would jeopardise the achievement of the mandated area target.** As the planning concept is based on a comprehensive regional analysis, and with only a few viable areas for wind energy in the region, substantial alternatives in other parts of the region are virtually non-existent.

**Wake effect:** There are still many unanswered scientific questions about the exact conditions of the wake effect, its extent and impact. The closest priority zone to the Wurzacher Ried is the Osterhofen priority zone. Due to the three-kilometre distance to the Wurzacher Ried and the topography (hills between the Wurzacher Ried and the priority zone), the Regional Association does not anticipate any negative impact on the Wurzacher Ried due to the wake effect. **As the other wind energy priority zones are even further away from the Wurzacher Ried, no adverse effects due to the wake effect are expected.** However, the Regional Association supports monitoring measures in the wind energy priority zones located close to peat bogs.

**The Natura 2000 pre-screening** concludes the following for all wind energy priority zones around the Wurzacher Ried (and in the region as a whole): **There are no discernible indications at the planning level that the designation of priority zones, even in conjunction with other projects or plans, could have a significant adverse impact on the Natura 2000 areas.** The potential priority zones at Molpertshaus and Wengenreute were also removed from the delineated wind energy priority zones based on the results of the Natura 2000 Preliminary Assessment.

**On the results of the species protection assessment:** The black stork (*Ciconia nigra*) is of special relevance in the area surrounding the Wurzacher Ried. The Alttann wind energy priority zone, for example, was greatly reduced in size due to its proximity to black stork breeding grounds. Unfortunately, we cannot show these areas due to the confidentiality of the data.

Regarding bird migration: according to Georg Heine, ornithologist at the State Nature Conservation Association (Landesnaturschutzverband), there is exclusively broad-front migration within the region. The migratory bird corridor between the Wurzacher Ried and the Rohrsee lake and further south, as presented by the Regional Council of Tübingen, is considered. No wind energy priority zones are located within this migratory bird corridor. The potential priority area at Molpertshaus was not included in the wind energy priority zones due to its location in the migratory bird corridor and the potential impact on special-status species.

**Protection Zone for the “Wurzacher Ried”:** As can be seen from our letter to the Council of Europe dated 18 September 2023 (see Annex 1), the Lake Constance-Upper Swabia Regional Association, in coordination with the Baden-Württemberg Ministry of the Environment, demarcated a protection zone for the Wurzacher Ried. **The resolutions of the Council of Europe were comprehensively considered during the demarcation process. The protection zone**

has been kept completely free of wind energy priority zones in the draft version of the **Subregional Energy Plan**. The potential wind energy priority zones “Ziegelberg”, “Hummel-luckenwald” and “Wengenreute”, for example, were not included as priority areas for wind energy in the draft Subregional Energy Plan for the reasons mentioned in this letter, among others. However, the avoidance of the protection zone does not completely preclude the visibility of wind turbines in the vicinity of the Wurzacher Ried. Considering the area target, it will be impossible to entirely eliminate them from the skyline, and doing so would not be in line with the prevailing public interest in renewable energy as defined by law. **The visibility analysis for the Wurzacher Ried, conducted by the PAN office (Annex 3 to the letter), indicates that a substantial visual impact on the Wurzacher Ried caused by wind turbines can be mitigated** by making wind turbines only partially visible or locating them at a distance where they no longer appear dominant. These conditions are met in the wind energy priority zones outlined in the draft version of the Subregional Energy Plan. In addition, the PAN office assessed the overall landscape and recreational value of the entire region. The findings from this assessment were also considered in the overall evaluation.

### **Conclusion**

The Subregional Energy Plan for Lake Constance-Upper Swabia aims to implement the legally defined target of utilising 1.8% of the region's total area for wind energy production by the end of 2025. Currently, the draft version of the Subregional Energy Plan is in the consultation phase. In the current draft, 2.5% of the region's total area is designated as priority wind energy zones. During the consultation process, we anticipate receiving feedback that leads to the exclusion of certain areas or sub-areas from the wind energy priority zones, e.g. for reasons of species protection, overload protection and national defence. The 2.5% buffer beyond the legal target of 1.8% is thus essential to achieving the final area goal in the plan. We anticipate a second consultation phase, based on a revised draft of the plan. In this version, the search areas for wind energy priority zones will be further narrowed down.

If the wind energy priority zones in the vicinity of the Wurzacher Ried cannot be defined in accordance with the Subregional Energy Plan, the Lake Constance-Upper Swabia Regional Association is concerned that the area target of 1.8% will not be met. **Within the region, there are no adequate and reasonable alternatives to the areas around the Wurzacher Ried.** As previously mentioned, if the area target is achieved, wind turbines can only be approved within the designated wind energy zones starting from 2026. If it is not achieved, after the deadlines specified in Section 3 of the Wind Area Requirements Act (Windflächenbedarfsgesetz), the regional planning or local zoning designations will cease to be effective in terms of preventing the installation of wind turbines. **In that case, there is a high probability that significantly more wind turbines will be approved around the Wurzacher Ried compared to the area outline in the Subregional Energy Plan.** We are already aware of interested parties seeking to construct wind turbines on highly critical areas near the Wurzacher Ried.

We remain at your disposal and look forward to the opportunity to engage in further dialogue.

Yours sincerely,



Thomas Kugler  
Association Chairman



Dr. Wolfgang Heine  
Association Director

#### Annex

- Annex 1: Letter from the Lake Constance-Upper Swabia Regional Association to the Council of Europe on the “protection zone” for the Wurzacher Ried dated 18 September 2023
- Annex 2a: Criteria for determining the wind energy priority zones (catalogue of criteria) (as at January 2024)
- Annex 2b: Translation of the criteria for species and nature conservation and landscape protection
- Annex 3: Demarcation of the wind energy priority zones in the vicinity of the Wurzacher Ried
- Annex 4: Map of the wind power densities according to the Baden-Württemberg Wind Atlas (2019)