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Conditional permission for installation of solar PV plants on legally cultivated forested areas

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On 10 December 2021, a new law⁽¹⁾ was enacted which introduced amendments to the provisions of forest legislation regarding the installation of solar photovoltaic (PV) plants on forest land. More specifically, the newly adopted provisions permit the installation of solar PV plants on forested areas⁽²⁾ that have been already legally deforested for agricultural purposes. These amendments were deemed necessary in order to balance out the unequal treatment between currently forested areas – on which the installation of solar PV plants is already allowed – and previously forested areas that are now used for cultivation purposes, but would otherwise be restricted purely to such cultivation purposes.

This new permission is applicable under the condition that the deforestation of such forested areas had taken place for agricultural purposes and that the land:

- has since been exploited in compliance with the terms and conditions accompanying the deforestation permits; and
- is presently being cultivated.

Further, the permission is conditional upon the return of the land to its previous agricultural use after the termination of the operations of the PV plant (as set out in the terms and conditions of the with its environmental licence of the plant) or after the decommissioning of the plant for any reason. In special cases where the deforestation had taken place for the cultivation of specific plants envisaged in article 43(1) to (4) of the law, the installation of the PV solar plants is conditional upon the issuance of a new forest intervention permit for the new purpose.

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Endnotes

(1) 4872/2021 (OJIA' 247/10 December 2021).

(2) "Dasikes ektaseis": a thinner type of forestation than that of a typical forest.