

INDUSTRIAL BUILDINGS, WAREHOUSES AND PHOTOVOLTAICS, WITH THE EXCEPTION OF AGROVOLTAICS, WILL BE STOPPED ON AGRICULTURAL LAND

On Wednesday, 13 October 2023, the Government approved an amendment to Act No. 334/1992 Coll., on the Protection of the Agricultural Land Fund (the "Amendment"), which strengthens the protection of agricultural land and thus changes in particular the position of entrepreneurs in the energy sector and the construction of industrial and logistics buildings.

First of all, the Amendment explicitly introduces the principle that agricultural land with protection level I and II. Class cannot be defined in the spatial planning documentation as an area for building plans for trade or storage of more than 1 ha or for building plans for energy installations for the conversion of solar energy into electricity, nor can land be withdrawn from the agricultural land fund for such plans.

On the other hand, however, the Amendment also allows the placement of so-called "agrovoltaic" projects on land with Class I and II protection. The parameters of the agrovoltaic electricity generation plant are to be determined by the implementing legislation, and it will only be allowed to be located on agricultural land that corresponds to the part of the land block under the Agriculture Act with the type of agricultural crop determined by another implementing legislation under the Agriculture Act (orchards, hop farms and vineyards are referred to).

According to the Amendment, it will still be possible to set up a photo-voltaic power plant, sheds and warehouses on land with agricultural soil protection class III, IV and V.

On areas that are already defined in the spatial planning documentation for commercial or warehousing projects of more than 1 ha or for energy installations for the conversion of solar energy into electricity (or as of the date of entry into force of the Amendment), agricultural land of protection classes I and II may be withdrawn from the agricultural land fund up to 5 years after the date of entry into force of the Amendment. Consent for the withdrawal of agricultural land from the agricultural land fund shall cease to be valid if it does not become part of a decision under other legislation authorising the construction project within 5 years from the date of entry into force of the Amendment.

The full text of the amendment can be downloaded at the following link:

<https://odok.cz/portal/services/download/attachment/ALBSCR87YSFP/>

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