

Regulations on Green Energy Facilities in Serious Subsidence Area of Farmlands

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According to the Taiwan Agricultural Development Act, any agricultural facility constructed on farmlands with fixed bases should apply for government permission regarding the use of its agricultural facilities. The execution is based on the Agricultural Facilities Application Permission which is under the Agricultural Land Act.

Considering the renewable energy as clean energy and as a policy direction, the solar panel system, wind-power system, and non-pulling waterpower green energy facilities are permitted to be used as agricultural facilities on farmlands. In addition, the Act opens to the establishment of green energy facilities without any proposals and agricultural operational documents in farmlands with serious subsidence area, pollution control site, pollution recovery site, or pollution control area. Such said opening intends to utilize the use of the low-productive farmlands in order to reuse it as multi-purpose places to cover the farmlands' income to owners.

It is estimated that around 96,000 hectares of farmlands are located in the area of series substance certified which is by the Ministry of Economic Affairs. Some places within the area are still productive for agricultural use, which should still be used as agricultural production area rather than a set up with green energy facilities in order not to break down land into fragmented pieces. Neither should the establishment of green energy facilities cause a reverse effect against the Act purpose on a multi-usage of farmlands. Therefore, the government amended the Act in August 2015, in order to preserve an overall agricultural environment. The amended Act regulates that the green energy facilities can be established in those serious substance areas only if they are verified by the Council of Agriculture (COA) as unproductive agricultural lands.

The current verified 18 places covering 1,253 hectares by COA as "serious substance area in unproductive farmland" include Tai-shi, Se-hu, Kuo-hu townships in Wenline County, Tung-she, Bu-dai townships in Chayi County, and Fang-yuan and Da-cheng township in Changwha County. Except for some pollution control sites, pollution recovery sites, and pollution areas certified by the environmental protection related authorities, those 18 places are directed to the new purpose beyond agricultural use. It is a win-win scenario that the amended Act balances the farmlands' completeness for agricultural production and the new use of unproductive farmlands for green energy facilities.

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