

## **Korean Wind Farms: Square-Shaped Area Permitted for LIDARs**

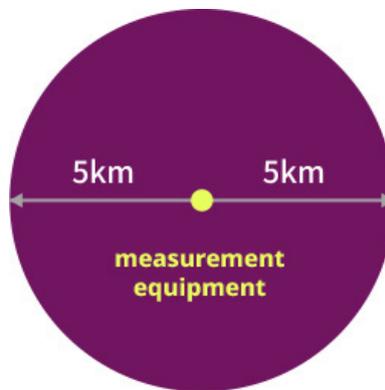
The Ministry of Trade, Industry and Energy has announced that an amendment to the relevant administrative licensing rules has come into effect as of November 11, 2020 so as to allow areas designated for a wind power generating licence using wind power measuring equipment such as a met mast or LIDAR to be square shaped.

### **Key takeaways**

- The amendment allows a wind farm operator to apply for a power generating licence having measured wind using measuring equipment within a squared-shaped area.
- This will provide a developer greater discretion about turbine configuration enabling it to have a relatively more efficient placement of turbines.
- It will permit the installation of measuring equipment in the far outer areas of the wind farm which will accommodate the continued use of measuring equipment for wind- measuring purposes after the wind farm is developed.
- Possible complications may arise between wind farm operators that have overlapping wind measurement areas.

# 1. Previous rules

Wind farm developers are required to submit data on wind-power obtained through measuring equipment installed for at least one year before applying for a power generation licence. The previous rules prescribed that the area in which the measurement of wind-power would be validly recognized would be an area which is within a 5km radius from the measuring equipment-installation point (refer to diagram below) in an ‘even simple area or public waters’. The wind farm developer obtains an exclusive right to apply for a generating licence in the relevant area as of the date on which the installation approval is obtained.

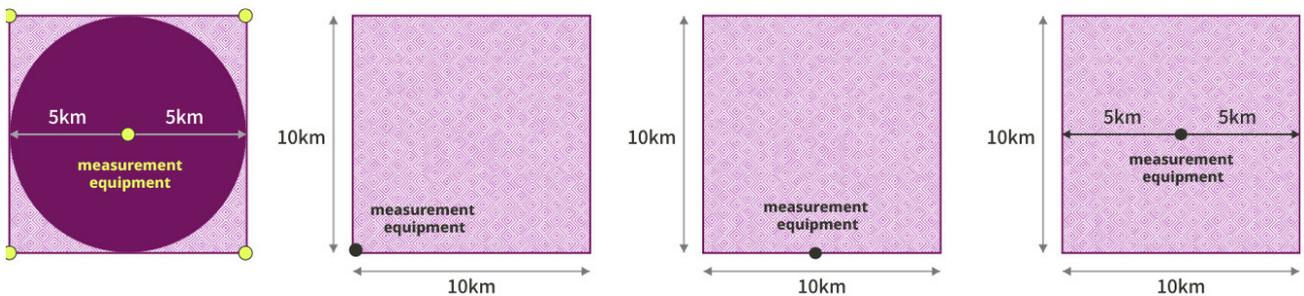


Generally, the installation of the wind-power generator or the configuration of the wind farm is in a rectangular or polygonal shape. Accordingly, the circle-shaped area under the current provision means that there is space that cannot be used as a site for power-generation facilities. Industry observers have pointed out that this is an inefficient use of space.

# 2. Amendment

In addition to recognizing the circled area with a 5km radius from the measuring equipment installation point, the amendment to the relevant rules will also recognize a squared area of up to 100km<sup>2</sup>, that includes wind measuring equipment so long as such area does not encroach on the area of a third party which has installed measuring equipment nearby.

The amendment permits measuring equipment to be located in the far outer areas of the wind farm, subject to there being no third party with an overlapping recognized area. The wind farm developer has greater discretion about the shape of the area that is designates to measure wind and accommodates a more efficient configuration of turbines. In theory, an area can be arbitrarily defined by selecting a square at any point within a zone constituting the area with the measuring equipment installation point as a point of reference. There are four possible outcomes.



### 3. Possible complications

Notwithstanding the amendment, where there are overlapping areas, the exclusive right to apply for a generating licence in the relevant area will still be based on the scope of the circled area only. Accordingly, where a person (B) installs measuring equipment in an area beyond the 5km radius, even if such person (B) installs the measuring equipment after person (A) who has already installed measuring equipment, if person (A) subsequently applies for a power generation licence with a square area which encroaches on the area of person (B), person (A) can only apply for such square area with person (B)'s consent.

We believe that the amendment may lead to more areas overlapping and possible disputes arising between prospective wind farms.

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Should you have any question on any of the above, please do not hesitate to contact us.

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