



Korean public waters occupancy and permit amendment

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The Public Waters Management and Reclamation Act (the “Public Waters Act”) has been amended with effect from 28 June 2023.

1. Key takeaways

The Public Waters Act will have separate standards for the granting of permits to occupy and use public waters.

2. Details

(a) No conflict with Marine Spatial Plan

Previously, there were no explicit restrictions on the permit to occupy and use public waters in areas designated as a fishery protection area under the Act on Marine Spatial Planning and Management (the “Marine Spatial Planning Act”). The amended Public Waters Act requires consideration of whether the relevant public waters does not conflict with the marine spatial plan under the Marine Spatial Planning Act.

(b) Obtaining consensus from stakeholders

Whilst it was a requirement to obtain the views of relevant stakeholders (such as fisheries) in relation to a new public waters occupancy and permit, there was no separate requirement that the results of such views were taken into consideration when obtaining the relevant permit. The amended Public Waters Act requires that the views of relevant stakeholders be taken into consideration, together with the applicant’s actions taken to obtain consensus.

(c) Discretion of the relevant authority

The relevant authority has been given certain discretion under the amended Public Waters Act to establish criteria for the establishment of offshore wind power projects.

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