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## Renewable Energy Setback Distance Rules Get a National Cap

- Local ordinances with setback distances exceeding 200 m for solar power near residential areas, 1,500 m for wind power near residential areas, or 500 m for wind power along roads must be eased to within the prescribed limits
- Renewable energy and new energy regulations separated under the Enforcement Decree of the Renewable Energy Act and the Enforcement Decree of the Hydrogen Act, respectively

The Ministry of Climate, Energy and Environment (MCEE, Minister Kim Sungwhan) announced that partial amendments to the Enforcement Decree of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy were approved at the State Council meeting on August 11. The amendments are intended to specify matters delegated under the law following the enforcement, on September 18, of the Act on the Promotion of the Development, Use and Diffusion of Renewable Energy, which was amended in March this year.

The key points of the amendments are, first, to establish a nationwide upper limit on the setback distance for renewable energy generation facilities, which has until now been applied differently by each local government, and second, to separate new energy from renewable energy, which have been regulated under a single law, thereby establishing a renewable energy-focused legal framework.

Currently, setback distances for renewable energy generation facilities are

determined by local governments through ordinances. Of the 228 basic local governments nationwide, 129 have established setback distances through ordinances, with significant variations among local governments, ranging from 100 to 1,000 meters for solar power facilities and 100 to 2,000 meters for wind power facilities. This has been pointed out as a factor reducing the predictability of licensing and permitting for power generation projects and constraining the siting of renewable energy facilities. Accordingly, the government developed the amendments to the Enforcement Decree by gathering the views of various stakeholders, including local governments, power generation project operators, relevant associations, and farmers' organizations, and taking comprehensive consideration of the expansion of renewable energy deployment, community acceptance, safety, and other factors.

Under the amended Enforcement Decree, when local governments establish setback distances through ordinances, the setback distance for solar power generation facilities may be set within a maximum of 200 meters from residential areas (with at least five homes), while no setback distance may be established from roads.

For wind power generation facilities, local governments may establish setback distances of up to 1,500 meters from residential areas (with at least five homes) and up to 500 meters from roads. Taking safety into consideration, a minimum setback distance equivalent to twice the height of the generation facility has also been established. However, as stipulated by law, setback distance requirements do not apply to resident-participatory generation facilities, rooftop solar power facilities, or self-consumption solar power facilities. Through these measures, the government plans to encourage the expansion of resident-participatory projects and enhance public acceptance of renewable energy.

In particular, the MCEE emphasized that the setback distances stipulated in the Enforcement Decree are not standards to be uniformly applied across all local governments, but rather maximum limits intended to prevent local governments from imposing excessively restrictive setback requirements.

Accordingly, local governments that have established setback distances exceeding the standards set forth in the Enforcement Decree will be required to ease them to within the prescribed limits, while local governments whose ordinances already stipulate setback distances that meet the Enforcement Decree standards will not need to amend their ordinances. The MCEE plans to hold briefing sessions for basic local governments nationwide to provide guidance so that their ordinances can be amended in line with the intent of the amendments before the law takes effect.

- \* (Example) (Ordinance of local government A) A setback distance of 300 meters from residential areas is stipulated for solar power generation facilities
  - The ordinance must be amended to require a setback distance of no more than 200 meters from residential areas.
- (Ordinance of local government B) A setback distance of 100 meters from residential areas is stipulated for solar power generation facilities
  - No amendment to the ordinance is required.

In addition, as the existing Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy, which jointly governed “new energy and renewable energy,” has been divided into the Act on the Promotion of the Development, Use and Diffusion of Renewable Energy and the Hydrogen Economy Promotion and Hydrogen Safety Management Act, the legal framework will be reorganized accordingly. The Enforcement Decree will likewise be divided into the Enforcement Decree of the Act on the Promotion of the Development, Use and Diffusion of Renewable Energy and the Enforcement Decree of the Hydrogen Economy Promotion and Hydrogen Safety Management Act, in line with the amendments to the respective Acts.

Lee Gyeong-soo, Director General for Renewable Energy Policy Bureau at the MCEE, stated, “This amendment establishes a nationwide upper limit on setback distances, which previously varied by region, thereby enhancing the predictability of renewable energy projects while also taking community acceptance into consideration.” He added, “We will continue to communicate closely with local governments to ensure that the system is stably implemented on the ground and contributes to the expansion of renewable energy deployment.”