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Legal Guidance of Rural Spatial Restructuring and Regeneration Plan
: Focusing on the Location Adequacy Review Standards of Rural Special Districts

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SUMMARY

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In accordance with Korea Government National Task 70. “Strengthening support for rural villages and creating a growth environment,” the government enacted the “Act on Rural Spatial Restructuring and Regeneration Support” (enforced in March 2024) and reorganized the rural land use system through rural spatial planning.

The government is currently reviewing the legislative announcement of sub-regulations of the enacted law and preparing legal guidance for rural spatial restructuring and regeneration plan establishment. As presented in the relevant provisions of the enforcement ordinance that has been announced as legislation, the rural special districts introduced as a means of managing rural land use is a concept of location management to resolve external diseconomies in land use related to living and production, among the purposes of enacting the law to respond to random development in rural areas. It will be operated on this basis. The location adequacy review standards for rural special districts is a key means of supporting the relocation and site optimization of land use related to living and production by establishing a spatial proximity relationship between rural village protection districts and rural industry/livestock/rural convergence industry/renewable energy districts. This

study designs a flexible alternative so that the review standards for location adequacy of rural special districts under review by the government can be operated smoothly in the region, supports the stable introduction and establishment of the system by verifying the effect of resolving external diseconomies in land use, and operates with resident participation. The purpose is to present the location adequacy review flow of the planning process to build the participatory process. Research is carried out through collaboration with experts in the field of spatial analysis by commissioning GIS simulations and with experts in the field of resident participation by requesting manuscripts.

In chapter 2, we look at current national affairs and related policy trends, and review the intent, purpose, and main contents of the Act on Rural Spatial Restructuring and Regeneration Support. Review the government draft of the enforcement decree that has been announced as standard legislation to understand the conditions for policy implementation and the main contents of the law. The major regulations of rural special districts are reviewed with a focus on matters stipulated in the law and regulations related to location management and resident participation in rural special districts within the government's announced enforcement ordinance. The “Legal Guidance of Rural Spatial Restructuring and Regeneration Plan” scheduled to be enacted by order of the Ministry of Agriculture, Food and Rural Affairs (2024), are government-reviewed plans, and as the main contents are treated as confidential, the guidance will be focused on the table of contents and the composition of regulations related to rural specialized districts.

In chapter 3, we design and conduct simulations of two relaxed types of location adequacy review standards that are different from the basic type of location adequacy review standards that the government is currently reviewing, have the effect of easing location regulations, and are differentiated from the basic type. Simulation is divided into two types. One is a comparison of GIS simulation and statistical analysis of the location adequacy review criteria for eight sample areas, and the other is a verification of the location management effectiveness of the site adequacy review criteria for three sample areas.

Through simulation, the following policy implications regarding location adequacy review criteria are presented. First, confirm the effectiveness of resolving external diseconomies in rural land use by operating site adequacy review standards. Confirm the general characteristics that can be expected through the operation of location adequacy review standards, and confirm that there is an effect of protecting village settlement and agglomerating production-related land use. In addition, in the case of the basic type among the location adequacy review criteria alternatives, the ratio of matching candidates for site exclusion, site adjustment areas and rural village protection districts designation possible for rural village protection districts is the highest, which is expected to have a stable use

site management effect that protects village settlement, suggests that it is possible. Second, the location adequacy review standards suggest the minimum level of government intervention and confirm the need to establish principles based on the need for use and location management. This recognizes the need to establish operating principles for location exclusion grades in consideration of regional legal exclusion zone conditions, and suggests the need to set operating directions by comprehensively considering principles based on location management needs and the need for flexibility in response to regional demands. However, even considering regional conditions such as plains, midlands, mountainous areas, urban-rural cities, and general counties, it is confirmed that operating a minimum site exclusion standardly applied nationwide is appropriate to achieve the purpose of the enactment of the law. This means that if the location judgment is composed of four stages: site exclusion, location adjustment, location management, and location permission, the area for local autonomous judgment increases significantly, increasing the autonomy of operation. However, if it is tilted toward location permission, the village settlement is protected and the rural area is affected by land use reallocation. It raises concerns that the effectiveness of government policies promoting spatial restructuring may be reduced. Third, the site suitability review criteria confirms the importance of establishing an operating system that considers flexibility and autonomy to respond to local land use management demands. As a result of comparative analysis of sample areas, it was determined that location avoidance, location adjustment, and inter-regional disparity in location management area will have an important impact on the region's ability to exercise autonomy in land use management, and that segmentation rather than grading simplification is designated as a production-related rural specialized district in the region. Provides grounds for determining that it would be advantageous to establish a possible area. This suggests that it is important to establish a process to ensure land use management is decided through consultation with local stakeholders.

In chapter 4, we review the procedural flow in which residents participate in the operation stage of the location adequacy review standards for rural special districts in the process of establishing a rural spatial restructuring and regeneration basic plan, and establish the roles of the central government, local governments, residents. This is a discussion on resident participation in the actual planning process rather than the public hearing at the basic planning stage as stipulated in the current Act on Rural Spatial Restructuring and Regeneration Support, and is intended to ensure that resident proposals in rural specialized districts at the implementation planning stage are actually implemented. This is a matter of planning process design. For this purpose, focus group interviews will be conducted with residents, local experts, and administration in Janggok-myeon, Hongseong-gun, and

farming union members in Hanbando-myeon, Yeongwol-gun, and Pocheon-si.

Policy implications are presented on the task of establishing a resident-participatory location adequacy review flow through resident FGI and the task of establishing the roles of participating entities. Regarding the review flow, first, we confirm the need to improve the lack of regulations on resident participation in the rural spatial restructuring and regeneration basic plan in the review of areas that can be designated as rural specialized districts and the operation stage of site adequacy review standards. Second, in order to link the location adequacy review process and the resident participation process, the gap between the point in the implementation plan where resident suggestions are legally made and the start of the resident participation process must be narrowed, and content participation and procedural participation must be handled in an integrated manner. In this regard, it is confirmed that the review process of the plan is important so that residents and land owners can step-by-step verify the results of applying location adequacy review standards and adjust their interests to reach an agreement. Third, we confirm that there is a need for a process of forming a broad consensus on the location adjustment of production-related rural special districts at the local government and town-myeon level from the early stages of planning. In particular, the relocation of livestock farms and the designation of livestock districts, which have been neighbors' livelihoods for a long time, are carefully managed. Confirm the residents' position on what should be done. Fourth, it is suggested that the residents' decision-making process should be linked to the site suitability review process in order to gradually support the conclusion of residents' agreements in rural specialized districts.

Next, regarding the role of participating entities, the government clarifies the scope of residents with the status of participation and agreement conclusion and the scope of resident participation, reviews alternative operation of location adequacy review standards to respond to planning benefits, and prepares space improvement projects customized for rural special districts. It suggests directions for promoting a complete reorganization of existing rural spatial improvement projects, government-level public relations and provision of learning materials for local residents, and reform of the capacity building system. The local government supports the operation of the plan establishment process through the conversion, reorganization, and establishment of cooperative relationships with existing resident organizations, guarantees the participation of planning experts in support work to resolve limitations such as formalization of existing resident participation, and supports the formation of a joint learning structure for residents. In addition, rather than targeting all residents of the local government, we confirm the need to link the spatial unit of the plan and the scope of resident participation to support the scope of participation

and organizational structure to enable establishment of a discussion system and resident agreement at least at the town·myeon level. Lastly, it suggests the need to discover new businesses that can respond to local demand as compensation for regulations and to consult with the government for projects that require government support. In the case of residents, it suggests the need to form a preparatory committee using the residents' committee and prepare conditions and attitudes to actively cooperate and participate in the implementation of the new system. Since the site adequacy review plan for rural specialized districts is scheduled to be operated along two axes: government minimum regulations and regional autonomy delegation, land use will be implemented from the perspective of various interests such as residents, land owners, absentee landlords, livestock farmers, and elderly farmers who have given up farming. It raises the need for participation to actively discuss land use management needs and directions.

The chapter 5 establishes the basic direction and concept of location adequacy review for the operation of the location adequacy review standards for rural special districts, and presents the composition principles of location adequacy review standards. The composition principles of the location adequacy review criteria summarize the direction of use and expected effects by comparing the case of operating with the government's minimum regulations and autonomous location judgment of the region and the case of the government setting only the operating principles and operating at the discretion of the region. In the process of rural spatial restructuring and regeneration planning, the operational flow of location adequacy review standards presents matters related to administrative procedures, resident-participatory rural land use decision-making support flow. Lastly, the enactment of guidance related to the location adequacy review standards presents related regulations for rural space restructuring and regeneration basic plan guidance.

Keywords :

rural special districts, location adequacy, location adequacy review standards, resident participation