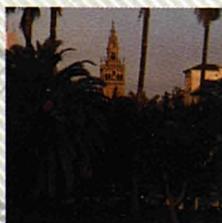




Regional development studies

The EU compendium of spatial planning systems and policies Spain

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Regional development studies

**The EU compendium
of spatial planning
systems and policies
Spain**

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Agir dans les régions pour l'Europe des régions — Un nouveau champ d'activités syndicales
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Die Auswirkungen der Strukturpolitik auf die wirtschaftliche und soziale Kohäsion in der Union 1989-1999
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- 27 — Community involvement in urban regeneration: added value and changing values
- 28 — The EU compendium of spatial planning systems and policies
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Cataloguing data can be found at the end of this publication.

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Preface

Each year, the Directorate-General for Regional Policy of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.

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Compendium's objectives

The Compendium is made up of numerous documents. The main volume is the 'Comparative review of systems and policies' (Regional development studies — Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies — Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU

The Informal Council of Ministers for Regional Policy and Planning confirmed in 1992 the need for a compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The Compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the Compendium is to provide information in order to improve understanding of the variety of approaches.

Form and content

The principles that have guided the preparation of the Compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

Level of detail

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unne-

essary detail. The panel of experts have been most helpful in determining where more or less (or clearer) explanation is required. The Compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the Compendium for Member States will vary.

The Compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

Regional variations

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and the Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably, some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

Structure

The Compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the Compendium covering systems and policies include four main sections.

A. Overview

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national, regional and local levels.

B. Making and reviewing plans and policies

This is an explanation of the instruments which are used to guide spatial planning at national, regional and local levels, and the procedures which are used in their formulation.

C. Regulations and permits

This section provides an explanation of the types of regulation and permit systems predominantly used to control land use change, and the procedures by which they are sought, granted and enforced.

D. Agencies and mechanisms for development and conservation

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulations, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage.

Each volume on systems and policies for the Member States follows the same format. Each Member State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the Compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italic in the text. When first used, these terms should be accompanied by a very brief explanation of the meaning of the term (if this is not evident from the text). The explanation is repeated if necessary at the first mention of later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translation of terms has been avoided because this gives rise to considerable ambiguity. For example, the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK local plan is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

Scope and content

The content of the Compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land use and development issues which have spatial implications'. In the words of the brief, the Compendium is concerned with:

spatial planning and development in the widest sense (strategic, regional and physical land use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land use) planning system.

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the spatial planning system in different Member States. One benefit of the Compendium is that it helps us to understand these differences.

Benchmark date

Because of the need for the Compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas. In Spain, new national legislation in the field of spatial planning was adopted in 1998. Many autonomous communities have also adopted new legislation in this field. In view of these changes, supplementary information on recent developments might be requested directly from the responsible authorities.

Authors' note

The preparation of the Compendium volume on Spain has been possible thanks to the help and information provided by:

Mrs Margarita Ortega Delgado, Spain's representative in the Committee on Spatial Development.

Mr Antonio Serrano García, former Director General de Política Territorial y Urbanismo, Moptma, during the editing of the Compendium.

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Mrs and Mr Stephen Wilkins, translators.

And all members and staff of the various departments, both in central, regional and local administrations who have contributed with general and specific information.

A. Overview of planning system

General overview

A1. The Spanish planning system is clearly influenced by the political and administrative configuration resulting from the approval of the 1978 Constitution. The Spanish system has always been totally regulated and binding upon all the agents who operate within it.

A2. Considerable change has taken place in planning law since the 19th century when the first planning law *Leyes de Ensanche y Mejora*, aimed to improve population centres. Since then, many different laws embodying different concepts of planning have been introduced. Also over many years, responsibility for planning has gradually been decentralised, and it now resides almost completely within the powers and competencies of local authorities.

A3. In addition, defence of the principle of equity in the distribution of benefits and charges or burdens resulting from development activities and the necessity to recover by the State, part of the betterment generated in the process of urban growth, has become established as a fundamental principle of the Spanish planning system.

A4. The Constitution assigns responsibility for spatial planning to the Ministry of Public Works, the 17 autonomous communities and the 8077 municipal councils. The current framework legislation, *Texto Refundido de la Ley del Régimen del Suelo y Ordenación Urbana* came into force in 1992, but it is based on the planning acts of 1976 and 1990, and the administrative reforms adopted in 1978. Autonomous communities can edit their own land planning laws, and this has

been done by Catalonia, Navarre, Madrid and the Autonomous Community of Valencia among others.

A5. The key feature of the planning system in Spain is the obligation for local (municipal) authorities to establish, adopt and revise structure planning and land-use regulations and ordinances which should totally cover their respective areas. Regional planning is not obligatory.

A6. The main objective of the Spanish Planning Act is to ensure a proper use of the territory, contributing to the protection of the country's nature and environment, so that sustainable development of society with respect to people's living conditions is secured. Two principles underlie this objective, namely the equal distribution of benefits and burdens, and the obligation to guarantee proper housing to all citizens. As in any other country, the planning process is highly political, and though public participation is becoming more important leading to a tendency towards a better balance between different interests in decision-making.

A7. The basic element of the planning system is the division of the country into three types of land: urban land, developable land, and undevelopable land. In urban and developable land, urban development is possible as long as it is in accordance with the current planning regulations, and so long as the proposal fulfils various conditions. In undevelopable land, urban development is forbidden. Punishment for any development on this type of land is more severe when the undevelopable land is protected.

A8. The Spanish planning system is based on the principle of framework control. This means that plans at lower levels must not contradict planning

decisions at a higher level. The objectives and contents of plans differs between national, regional and local levels. The ultimate aim is for the proper use of land and housing for all Spanish citizens.

A9. At the national level, the spatial planning policies of the government are mainly expressed in the *Texto Refundido de la Ley sobre Régimen del Suelo y Ordenación Urbana*. As the competencies over planning items have been transferred to autonomous communities, this law has three types of dispositions according to the national, regional or mixed competence to regulate matters (see Section A. Constitution, and Section B. Policy instruments).

A10. Regulations established in the national law are mainly restrictive, aiming to ensure that undesirable development does not occur. As the system has been traditionally unable to ensure that desirable development actually happens at the right place and at the right time, because planning intentions are mainly realised through private developments, the *Texto Refundido* of 1992 has introduced new requirements to oblige private developers to fulfil the timings established in the plan, or in its absence, in the Law, with the threat of compulsory purchase for non-fulfilment.

A11. When there is a development proposal which is not in line with the plan, the plan itself has to be changed prior to implementation, and private initiative and administration will have to sign a *Convenio Urbanístico* (a sort of development agreement in which private initiative undertakes to provide more facilities than those needed according to the Law, in order to compensate the administration for the necessary change of plan). This process also includes public participation, as any plan preparation or changes to a plan do.

A12. The outcome of the planning process, in theory, should be that specified by the plan, because departures from plans are not possible. The granting of building permits, permits for subdivision into plots, and any others, must be in conformity with the plan, planning regulations, and ordinances.

A13. The Spanish planning system has been developing for a number of years to meet changing circumstances. Furthermore, since the first planning acts, dating from mid-19th century, the system has become more comprehensive. These original acts did not cover all the Spanish territory, but main cities.

A14. The first *Ley del Suelo* passed in 1956, had little impact because in Spain there was no tradition of national planning. Previous laws were not of a general character, and its coming into force coincided with the very rapid development in Spanish cities during the 1960s. During these years, economic development was fundamental, and the need for housing in urban areas occurred before investment in infrastructure or other facilities. In 1975 a new *Ley del Suelo* was passed, imposing the duty on any municipal council to adopt a town plan for any built area. In order to be able to adopt to the new law, municipalities could use a *Proyecto de Delimitación de Suelo Urbano* with a transitory character where no *Plan General* was in force.

A15. The town plan was to be submitted for the approval of the *Comision Provincial de Urbanismo*. During the 1980s a considerable number of town plans were either adapted to new the Law or newly enacted. These planning regulations do not imply a duty to pay compensation to landowners. This planning was only aimed at regulation in the towns, forgetting in most cases the proper regulation of undevelopable land, and thus setting a legal basis for ensuring the separation between urban and rural areas or for limiting the urban growth.

A16. Huge accelerations in urban development occurred between 1960 and the mid-1970s and was mostly produced on urban land. It was mainly regulated by the zoning provisions of the Plans. These plans, and the approval of 1978's Constitution indicated the need to prepare a new law. The reform was based both in the administrative changes derived from the Constitution giving competencies for regional planning to autonomous communities, and on the fact that with 1975's law, it had been cheaper for developers to develop urban land than to develop developable land. As a result this produced a maladjustment between the development of cities and continued the tendency for there to be a deficiency in the provision of infrastructure and other facilities in city centres. This fact was aggravated with the change of culture from 1980 onwards, when the enhanced value attached to the built heritage of towns, in line with what was happening in other European countries, produced a new type of planning directed towards the protection of city centres. This needed a proper legal basis. During these years, the municipalities developed master planning for the cities and towns, and regional plans started to be prepared on a voluntary basis in several areas.

A17. The Planning Law reform was passed in 1990, and included dispositions of three categories:

- those of a premium character that should be adopted by all municipalities;
- those of a basic character, that could be developed by the autonomous government; and
- those of a subsidiary character, showing the matters to be completely regulated by autonomous communities and, in the absence of autonomous regulations, to be regulated by national law.

A18. The recasted text of that law was passed in 1992, and coexists in Spain with several other laws enacted by autonomous communities based on the power that has been transferred to the communities following constitutional changes. The result is a quite complex planning system, where responsibility for its effectiveness and quality lies with municipalities, which are in charge of planning instruments in the municipal territory. Thus much depends on the quality of the political and democratic processes at local level, albeit controlled by autonomous communities. They have the power for the final approval of the general type of land planning instruments.

Context and principles

Constitution, legislation and judicial system

A19. In Spain, the 1978 Constitution marked a point for the planning system. It established the right to decent housing through the regulation of the use of land in accordance with the general interest, in order to prevent speculation; and it fixed the participation of the community in the betterments generated by development activities of public entities, so that the precepts established up to that time by urban legislation with respect to limiting property rights have become recognised by a law of the highest level.

A20. The provisions of the Constitution with respect to the formation of a decentralised State are also fundamental. It recognised the right to autonomy of the nationalities and regions which make up Spain, and defined the powers which can be assumed by the autonomous communities. The power to plan the territory, development, housing and management in matters pertaining

to the protection of the environment is included in these rights.

Autonomous communities are administrations with full political and administrative capacity, and, within the realms of their own competencies, they can enact laws and exercise judicial control. Differences between autonomous communities and the State's administration are determined by the *Tribunal Constitucional* (Constitutional Court).

A21. The following subjects, amongst others, are within the exclusive competence of the State:

- The foundation and coordination of general planning of economic activity.
- Basic legislation on the protection of the environment and all legislation which refers to public works and infrastructure affecting more than one autonomous community.

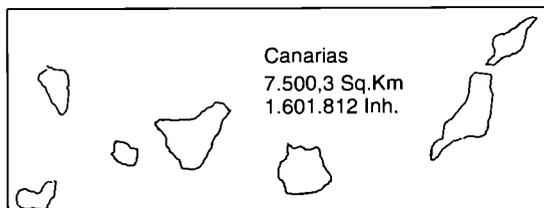
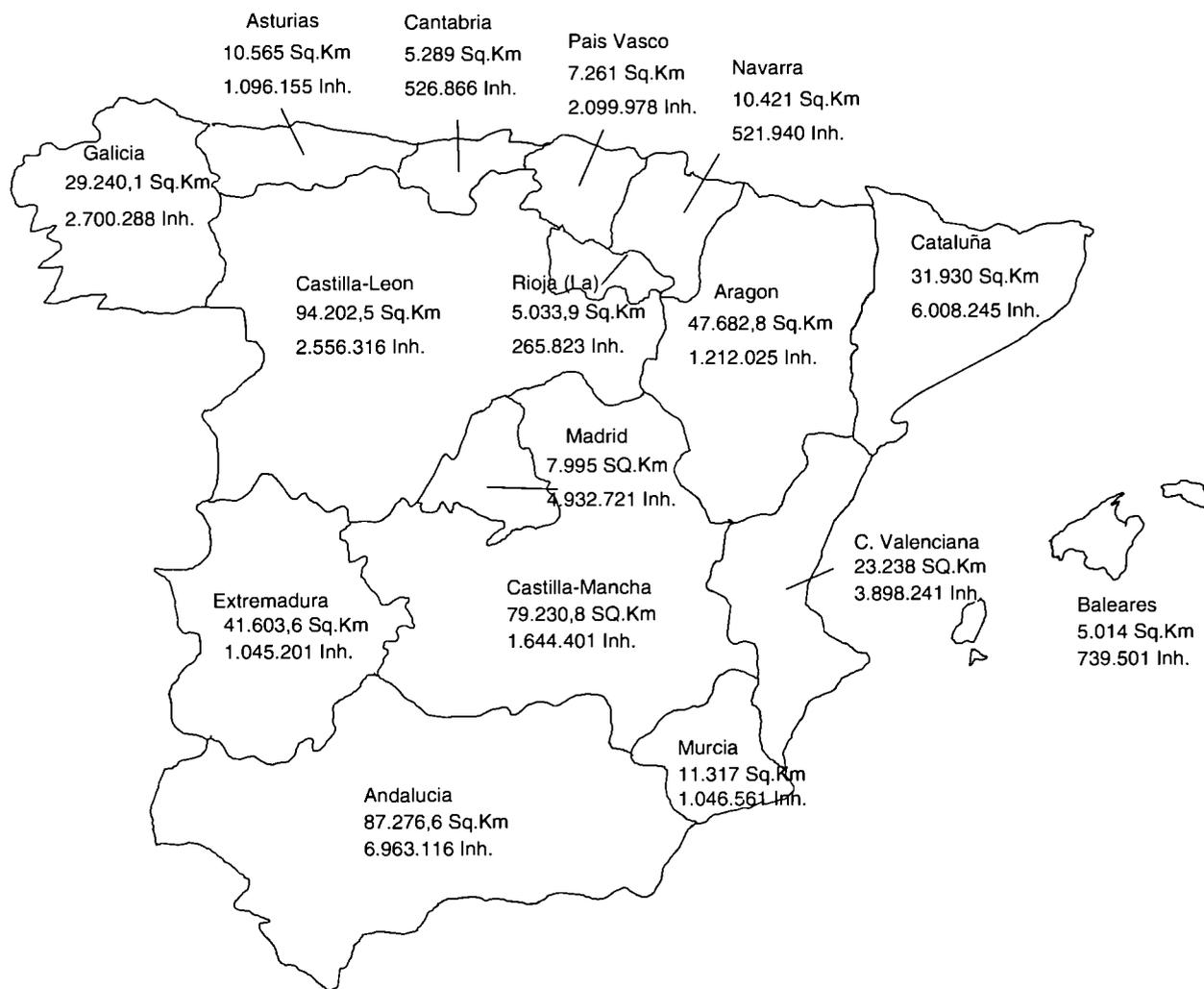
Matters which fall within the competence of autonomous powers are:

- Public works and transport infrastructure, always provided that they are carried out totally within the limits of the region itself and, in the case of ports and airports, provided that they are of a recreational character and do not carry out commercial activities.
- The promotion and planning of tourism provided that this is developed within the region.

The denomination, geographical coverage and population level of the 17 autonomous communities appears in Figure 1. Ceuta and Melilla are not considered because, due to their particular location and extension, they have a different status.

A22. Since the approval of the Spanish Constitution in 1978 and the assumption of various regional governments regarding the transfer of powers and competencies, in matters of territorial and urban planning, the legislative question in Spain has become highly complex. There is a National Land Use Law entitled the *Texto Refundido de la Ley sobre el Régimen de Suelo y Ordenación Urbana* which dates from 1992 (based on the planning acts of 1976 and 1990) and is applicable throughout the State. This has, however, been the subject of appeal, on the grounds of unconstitutionality of several articles, by the regional governments of the Balearic Islands, Catalonia and Aragón.

Figure A1 - AUTONOMOUS COMMUNITIES IN SPAIN
DENOMINATION, EXTENSION AND POPULATION LEVEL



A23. Together with this law, there coexist a multitude of laws which do not address matters of a purely development nature but which do have an impact on planning (e.g. *Ley de Costas*, *Ley de Carreteras*, *Ley de Aguas*, etc.). These concern for example coasts, motorways, water, etc., all of them of a national character. Furthermore, there are corresponding laws drawn up by the various regional governments in exercising the rights conferred upon them by the Constitution. These which have different levels of intensity and geographical coverage, according to the region or community in question.

(Appendix 6 sets out the most important current laws, organised according to the subject matter and the geographical coverage.)

A24. Regarding implementation, development procedures must follow that which is provided for in the plans, whose contents have the status of legal rules. Action to ensure observance of development legislation, of plans, norms, projects and ordinances is public in nature; that is to say, it can be exercised by any citizen, and this action can be brought before administrative bodies or the Courts of the Contentious-Administrative jurisdiction.

A25. The appeal mechanism in Spain starts with administrative type appeals. These appeals are heard before the administrative body which passed the resolution in question or before the next highest administrative body. The decisions made at the highest level can be appealed against directly to the Courts of the Contentious-Administrative jurisdiction.

A26. The *recurso ordinario* (ordinary appeal) is appropriate at regional level against the resolutions of the *Comisión Territorial de Urbanismo* (Territorial Development Committee), its chairman, or the regional government. It can also be used to appeal against penalties imposed by the deputies responsible for development in the regional government. Appeals against the acts of mayors who impose penalties for development irregularities are brought before the Contentious-Administrative jurisdiction, rather than the *recurso ordinario*. Similarly, appeals against acts giving final approval to plans and projects are also brought before the Contentious-Administrative jurisdiction.

Development process and market circumstances

A27. Development in Spain, understood as the execution of planning, has a number of different sources of finance, depending on the plan or programme which is being developed, the type of land and the administration or private individual who is competent to develop this land.

A28. The public and private sectors in Spain rarely work in tandem and, when they do, both the work to be carried out and the amount to be paid by each of them is clearly delimited. Administrative costs, most communication infrastructures or large-scale services are all costed, with the type of administration which provides the finance depending upon the scale and geographical coverage of the infrastructure. Private initiative operates in the development and servicing of a particular portion of urban or developable land depending on its use — residential, industrial or commercial. Any economic participation in the development processes which come from private initiative normally takes place within the municipal ambit, the exception being those infrastructures, such as motorways, which are financed by their users paying a toll.

A29. Thus, the opportunity for finance being provided by the users has been considered in the most recent planning proposals, particularly regarding the financing of large-scale infrastructures, such as water supply systems. These can be financed by the payment of a royalty on the water consumed, or communication networks, where schemes similar to tolls or other charges for the use of the infrastructure are being considered.

A30. The administration can encourage development by using incentives designed to facilitate the location of industry in areas which are in decline or depressed (for example Asturias, the Basque Country), or by way of investment in infrastructures which bring the territory heightened levels of accessibility and facilities which are appropriate for the economic and, consequently, the physical development of that area (for example investments in communication infrastructure in Andalucía on the occasion of the EXPO). Within the local framework, the administration can also prompt development by urbanising land in order to release it onto the market at competitive prices, either for the construction of social housing projects (VPOs) or industrial estates in areas

that are normally depressed or subject to processes of industrial reconversion or of significant depopulation (activities carried out by various autonomous communities, on land which in many cases was originally in municipal ownership).

A31. Concerning the relation between the planning system and market circumstances, the system responds to the conditions found in the market. Although the system is rigid in concept and totally regulated by law, it is flexible in its management (see Section A. Flexibility) allowing it to adjust to market conditions. However, this produces a sliding overlap between economic and planning cycles. This is because, although the market has an influence on planning policies, the processes for the drafting and management of planning instruments in Spain are so long that they typically cause maladjustment's between current planning and the economic or market circumstances found at any given time.

A32. Thus, for example as a result of an economic crisis (in the early 1980s), planning documents were drafted that were more restrictive in nature and more directed towards filling-in the spaces of the urban framework, or towards the conservation of historical centres and avoiding development proposals of a broader character. The situation changed (the end of the 1980s and the beginning of the 1990s) and the local authorities have been forced, in some cases, to draft *Convenios Urbanísticos* (Development Agreements) to reclassify land and to introduce large areas, destined for new uses, onto the market.

A33. However, the formal transformation processes required for this land, by way of making the relevant amendments to the plans, are so long that it can result in the problem of the land being introduced onto the market at a time which coincides with a low point in the economic cycle (for example, the current economic crisis) giving rise, as a consequence, to an excess of supply.

A34. In general, the degree of flexibility or ease of adaptation of the system to the changing circumstances of the market, (see Section A. Flexibility) does not depend on levels of unemployment or on the economic circumstances of each autonomous community. However with some exception such as in Asturias, the Basque Country and some others, where the levels of unemployment caused by the reconversion of some types of industry (steel making, mining and others) has resulted in the appearance of incentives for in-

dustrial location which, although they have not modified the model, have at least influenced it.

Economic development

A35. The spatial distribution of economic activity is undergoing constant change due, above all, to latest technological advances which are supposed to have an indifference to where specific activities are located within the territory. Having said this, the spatial characterisation of the different economic zones has remained practically intact since Spain underwent its delayed industrialisation the 1960s.

A36. Communities with a predominance of industrial activity are Catalonia, the Basque Country, various areas within Valencia, the metropolitan area of Madrid and Asturias. This is despite the restructuring that has taken place in certain industries in particular areas of Asturias and the Basque Country.

A37. Agriculture, which can be found throughout most of the country, is in decline, although it continues to occupy a high surface area. It is the subject of strong structural change, stemming from productive reorganisation, in part a result of Spain's entry into what is now the European Union. Tourism within the service sector is dominant in zones which are specially dedicated to this activity, such as the Mediterranean coast and the two island groups of the Canaries and the Balearic Islands.

A38. Centres or zones of a service-financial character are found in Madrid, Barcelona, Bilbao and Valencia, cities which have their own stock exchanges and where the highest number of international scale consultancies and associated activities are located.

Environmental policy

A39. The necessity to adopt measures for the conservation of nature, based on the principles of sustainable development, is a social and political fact which is increasingly being accepted. In Spain the protection of natural areas is nationally derived from two basic bodies of legislation: urban legislation, by way of the classification of land as protected and undevelopable or not capable of urbanisation, and national legislation, by way of the listing of spaces. These are now complemented by regional legislation.

A40. In Spain, the production of environmental impact studies is obligatory not only in the study of infrastructure layout, etc., as provided for in Directive 85/377/EEC, but is further complemented by national legislation (*Real Decreto Legislativo* 1.302/1986) which has extended the number of activities which must be subjected to such a study. There are, in addition, autonomous communities such as Valencia, whose law is even more restrictive and requires the production of environmental impact studies linked to the drafting of planning instruments (*Ley* 2/1989 of the Valencia regional government).

A41. To these provisions should be added the programmes which are the result both of being party to international conventions and treaties and the coming into effect of Community Directives. Amongst these, special mention should be made of the MAB programme (Man and Biosphere) from Unesco, the Ramsar convention on wetlands of international importance, and the areas for the protection of wild birds (*ZEPA*), by virtue of EEC Directive 79/409 on the conservation of wild birds. Areas of interest have been declared under all these provisions in Spain (see Section D: Environmental conservation).

A42. The importance which environmental policy has in Spain is reflected in paragraphs D84. to D94. and has been emphasised by the central administration with the reorganisation of the Ministry of Public Works and Transport. It has been renamed the Ministry of Public Works, Transport and Environment and a new State Secretariat has been created, with powers over housing and the environment.

A43. Priorities with respect to those elements that are to be protected are fundamentally derived from the character of the area, mountainous, coastal, wetlands, etc., and they result in the drafting of planning instruments of a general character (municipal remit). Such instruments have to respect the declaration of protected spaces that have been made both at a national and at a regional level.

A44. Given that powers to declare areas such as national parks are the responsibility of central government, these declarations represent an element of control in order to curb development proposals that are not in tune with the environment and which may be impossible to stop from the development point of view, because all the powers of this type have been transferred to the local administrations.

European Union

A45. The question whether Europe has an influence on planning in Spain at any level cannot be answered with a simple yes or no. In Spain, spatial planning is not a national issue, it is shared between regional and local powers, which are taking an increased interest in the European dimension, mainly because land-planning issues have been transferred to the autonomous communities (regions).

A46. The clearest impact of the EU is shown in the growing and continuous attention given to the European dimension mostly by regional governments. This interest, which reflects the opportunities for development derived from European Structural Funds has resulted in a change of attitude from both politicians and planners who now must look beyond their own frontiers. European funds have a substantial influence in the development of certain regions, mostly Objective 1. Whilst for the moment, no precise relationship exists between spatial policy and ERDF projects, each year more regional governments emphasise the role of the structural funds and debate the advantages or not of integrating these more formally into their strategies.

A47. Regional and local authorities in Spain have identified some problems which may limit the impact of the EU structural funding policies on spatial planning. In particular the problems of delay in the definition and implementation of the planning, due to the complexity of the system itself, and the lack of coordination between the different funds programmes that can affect the same piece of territory have been identified. Ideally structural policy, and consequently, funding, should be harmonised with the regional structure plans, which are edited by the central administration considering proposals submitted by each autonomous community. In practice these regional structure plans should be in tune with the regional development instruments when enacted by each community. Thus coordinating planning and investment.

A48. With regard to environmental policy, this is an important issue in Spain since the approval of the *Ley de Evaluación de Impacto Ambiental*, which was passed in 1986 immediately after Directive 85/377 of the EEC, increased the number of activities to be subjected to environmental impact assessment. The EU stresses the importance of the preservation of open spaces and rural

areas, which is shared with the national and regional governments in Spain, and reflected by the fact that Spain has 177 protected natural areas of an international character, covering 5.3% of Spanish territory (see Section D. Environmental conservation).

A49. Some EU policy sectors, mostly agriculture, transport, and regional policy, are having direct and indirect impacts on the changing conditions of the Spanish territory, not always positive. Furthermore, cross-border problems and opportunities invite local authorities towards an active European approach, mainly in transport and hydrological resources issues. Nevertheless it may take some time for neighbouring countries to accept an active involvement of the EU in their spatial planning.

A50. One of the first attempts to integrated cross-border spatial planning was set out in the document Europe 2000, which recognised the fact that planning in relative isolation was no longer possible, and even more impossible in border regions. However, it just recognised or expressed this reality not really going beyond this assertion. In Spain the influence which it actually has on the 17 autonomous communities is extremely limited.

Flexibility

A51. The Spanish planning system has traditionally been very rigid, based on the design of planning instruments of a general character for example *Plan General*, *Normas Subsidiarias de Planeamiento* or *Proyectos de Delimitación de Suelo Urbano*, (all of them being local planning instruments of the same character) and covering the whole territory of a municipality. They totally define urban land with respect to use and permitted intensities of use, alignments and levellings and where, for developable land or land capable of urbanisation, the instrument fixes both its quantity (set in buildable square metres over each square metre of land), as well as its permitted uses and intensity, and the large-scale infrastructures which make up the area covered by the plan. The design or physical distribution of these uses and intensities is left to the *Planes Parciales* (or detailed plans) which plan this developable land.

A52. Although theoretically the system should be considered as rigid, 'changes' in planning are very frequent (over 1 000 per year in the whole State). Also there are very few general norms to

which plans should comply, so it is possible to have very different solutions between different cities and even with the same city.

A53. Nevertheless, the lengthy administrative procedures associated with the detailed plans, together with the fact that, in accordance with the *Ley del Suelo* of 1975, the amount of assignments of urban land was lower than that established for developable land, meant that a great deal of growth in the 1970s and 1980s took place on urban land and, as a result, in those areas in which the level of facilities were lower. Furthermore prior to 1975 development on undevelopable land, with all the problems that this implies, also took place frequently. Then the level of permissiveness was greater, despite attempts to try to avoid development on such pieces of land where the number of facilities needed was greater, and thus, development more expensive. This led to the abandonment of development on pieces of land with a better regulation and more precise management systems: developable land. (see Section C: Unauthorised land use and development).

A54. In the national planning system, currently in force, there are only two situations where flexibility may be permitted. First, the necessary four-year planning reviews, allow for the supply of developable land to be reconsidered and for a review of the programme and economic-financial study if the planning instrument is a *Plan General* (see Section B: General type planning), and, secondly, the making of amendments of a precise type to the *Plan General*. Nevertheless, in the last few years, the tendency is towards more flexible plans, in order to ease and promote the choice between a series of uses, intensities of use, typologies, etc.

A55. Should the administration receive indications from landowners or land promoters of development proposals, the plan can be changed either by a modification or revision of the planning instrument. If landowners or land promoters enter an agreement to provide higher levels of facility provision, then, the procedure is known as the *Convenio Urbanístico*. The possibility also exists entering into *Convenios Urbanísticos*, for the reclassification of specific areas of land. This reclassification will be recognised in the subsequent review of the plan. That is to say, there is a high margin of flexibility by means of reviewing the planning instrument, but no possibility of acting against the plan itself.

A56. This possibility of increased flexibility does not imply a reduction in the control or compliance with the legislation and the other rules of obligatory performance. Levels of permitted discretion and the conditions under which this can be exercised are matters which may be developed in the future.

Government structure and powers

A57. In Spain the administrative systems has four levels: central, regional, provincial and local. There are 8077 municipal councils, 52 provincial councils, including those of Ceuta and Melilla, and 17 autonomous or regional governments, and a central government. Powers and competencies adopt a pyramidal structure, from central to local level for those matters whose competence is clearly attached to one of these levels. Each governmental level has powers and competencies over certain specific matters, and some of them are shared. Appendix 5 has a diagram of this structure.

A58. Three types of power exist in Spain, namely the legislative, the executive and the judicial.

- Legislative power resides in the *Cortes Generales* (National Parliament) and in the Parliaments of each of the 17 autonomous communities. Their purpose is to draft national or regional laws of all types (not only of development character or content).
- Executive power resides in the national government, in the regional governments and in the provincial and town halls. Each one of these levels of government have powers for the drafting and/or approval of specific planning instruments (see Section B. Policy institutions/policy instruments).
- Judicial power is a single power in Spain, in that justice falls strictly within the national competence. It hears those appeals relating to planning which are beyond mere administrative jurisdiction (see Section C. Rights of appeal).

A59. Central government lacks the competence to approve regional or local plans and only has power to approve the *Plan Nacional*. However, regional governments have the power to approve the majority of planning instruments which are drawn up by local government. In all those municipalities with over 50 000 inhabitants, local

government has power to approve of planning instruments of a general character. This threshold of 50 000 inhabitants has been changed by some regional laws.

Land policy (economic and social criteria), and land and building quality (physical criteria)

A60. No land policy as such exists at the national level. Given that each local authority is competent to draft the planning instrument for its own territory, it can be said that constitutionally land policy is within municipal powers. As a result, each local authority can have, under regional approval, its own land policy. Policies on land, however, must be the subject of consensus between all levels of the administration, not only because it deals with an area of transferred competence, but also because it is the governmental levels closest to the citizens who can best evaluate the needs of the population with respect to land requirements and the uses to which this land can be put.

A61. Having said this, at national level, it is possible to consider housing policy as an indirect form of land policy. This is said in reference to the four-year *Planes de Vivienda* (housing plans). These establish the methods for granting loans and subsidies allowing each of the autonomous communities, competent in matters such as development and territorial planning, to design their own land policy by means of the acquisition of land for the construction of social housing (VPOs) particularly in those municipalities where the housing deficit is most acute.

A62. Apart from the incentive measures for industrial activity as described in Section D, regional economic development policy helps to condition the use of land. There is a policy for the formation of *Patrimonio Municipal de Suelo* (municipal land banks) which was previously reflected in earlier Land Use Laws. This obliges local authorities of each provincial capital, and/or local authorities with more than 50 000 inhabitants, or which agreed to the measure of allocating 5% of their ordinary budget for the number of years required by the plan to the formation of municipal land banks. The aim, amongst other things, is some regulation of the market. However, this has never been complied with. Today the current law establishes, under Title VIII (instruments for intervention in the market for land), provisions similar to those described above, but limited to provin-

cial capitals or municipalities of more than 50 000 inhabitants and without any time limit.

A63. The law also allows for the incorporation into the municipal land bank land classified as non-programmed developable land or undevelopable land under the delimitation of the plan. This is intended as a declaration of the public usefulness of the land and establishes the need to occupy the land by compulsory purchase. This land is destined for the construction of housing under some subsidised regime or to other uses of social interest in the future.

A64. Clearly, the needs of the community will be revealed by the demographic, sociological and economic analyses that are made prior to the drafting of any planning instrument. Consequently any plan should identify those areas necessary to ameliorate deficits in housing, equipment and facilities suffered by the community. These portions of land are those which, by way of any of the mechanisms permitted by law, whether it be an obligatory assignment or the application of compulsory purchase, become part of the municipal land bank.

A65. Apart from these mechanisms, the law, by way of the procedures detailed in Section C (Enforcement procedures) provides a complete series of penalty mechanisms aimed at ensuring that planning regulations are complied with both in terms of time and form and in such a way that the dynamic of the plan is not interrupted by ensuring that there is a supply of land which is appropriate for development. However, these penalty mechanisms are rarely used, and often temporal determinations contained in the plan remain unfulfilled.

A66. In Spain, urban development activity is not explicitly coordinated with agriculture. However, there are areas of land set aside specifically for agricultural development. During the 1940s, the Ministry of Agriculture designated and designed complete areas for rural colonisation with zones devoted to housing, reservoirs, irrigation canals, equipment and facilities, etc. This was a unique experiment aimed at planning/integrated territorial action, when a powerful *Instituto Nacional de Colonización* existed in Spain. It is also important to note that in these zones (which were the result of the so-called agricultural colonisation involving campaigns for the consolidation of small plots in the 1940s and 1950s), the division or breaking-up of the land is not permitted, making urban-type division into lots impossible.

A67. However, building pressure has been so intense that in many cases the agricultural capacity of the land upon which building has taken place has not been respected. It has therefore been necessary to use legal protection instruments, at both national and regional levels, in order for specific portions of the land to be effectively protected from development.

A68. With respect to areas of historical interest, a distinction must be made between those Spanish cities which belong to the World Heritage (Unesco) such as Toledo, Cáceres or Santiago de Compostela, and those historical areas within each city which may, to different degrees, be subject to policies of a conservationist or protectionist type. Clearly, the treatment of both spaces differs according to the area of coverage and the degree of protection. However, this does not mean that these spaces are preserved from the processes of growth, but rather that developments or changes of use within these areas are limited by provisions and regulations which aim to maintain their historic assets, as determined by both the *Ley de Patrimonio* (Heritage Law) of 1985 and the provisions of the planning instruments in force in the municipalities in which they are found.

Plan led/development led

A69. The Spanish planning system is typically plan led given that, in general, new proposals or a new development model are adopted in the review of planning documents or at the stage when they are re-drafted. Such reviews reflect planning proposals which are indicated by market tendencies or by needs and are agreed with the local authority by way of the corresponding development agreement.

A70. When taking decisions on future developments, the initial starting point is a model. This normally differs according to the political complexion of the local authority which draws up the plan and usually reflects the ideology of the dominant political group. In many cases, this model is produced as a result of studies and analyses made by experts who propose various solutions to the problems as posed. The politicians then choose the solution which is most in accord with their objectives. Normally, when the ideology of the dominant political group changes following elections, one of the first resolutions to be passed by the incoming ruling group is the amendment-review or re-drafting of the general

type planning instrument, because the objectives, and consequently, the model changes.

Political priorities

A71. In Spain it is now difficult to speak of political priorities and of a political philosophy given that, although the central government is socialist in its tendency, there are 17 autonomous communities, where the governments are socialist, conservative, and even nationalist in their orientation.

A72. A territorial policy at national level did not exist until 1993 when, with the drafting of the *Plan Director de Infraestructuras (PDI)* (Infrastructures Director Plan), a territorial planning policy was established for the first time. It can also be described as the main political objective of the central government with respect to territorial planning.

A73. This *Plan Director de Infraestructuras* has laid down the main structural axes for national development, leaving the rest of the territory to be dealt with by the corresponding regions who have, under the Constitution, competence in territorial planning. The spatial design of each of the municipal districts belongs to the competence of the local authorities. Clearly, this supposes a concurrence of planning philosophies which, does not always coincide. Also of national character, and reflecting the political priorities of central government, are several national plans concerning environmental matters (some in the process of drafting), telecommunications, and energy. The *Plan Hidrológico*, the drafting of which was obligatory following the approval of the *Ley de Aguas* of 1985, and studies the distribution and management of water sources, is currently being drafted and also represents one of the matters to be developed by the *PDI*.

Political system, administrative system and public participation

A74. In Spain politicians are involved in the planning process in the sense that it is they who adopt the resolutions for the drafting of the plans and go on to control that drafting by way of their expert teams. In such a way the plans are adapted to the model contained in their government programmes. Furthermore, it is they who give final approval to the plans. Political elections for the representatives of each tier of government are held every four years, though

for central, autonomous and local governments they do not occur at the same time. This implies some overlap between the timing of different land policies established by all three tiers of government.

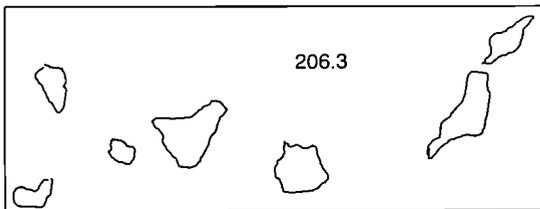
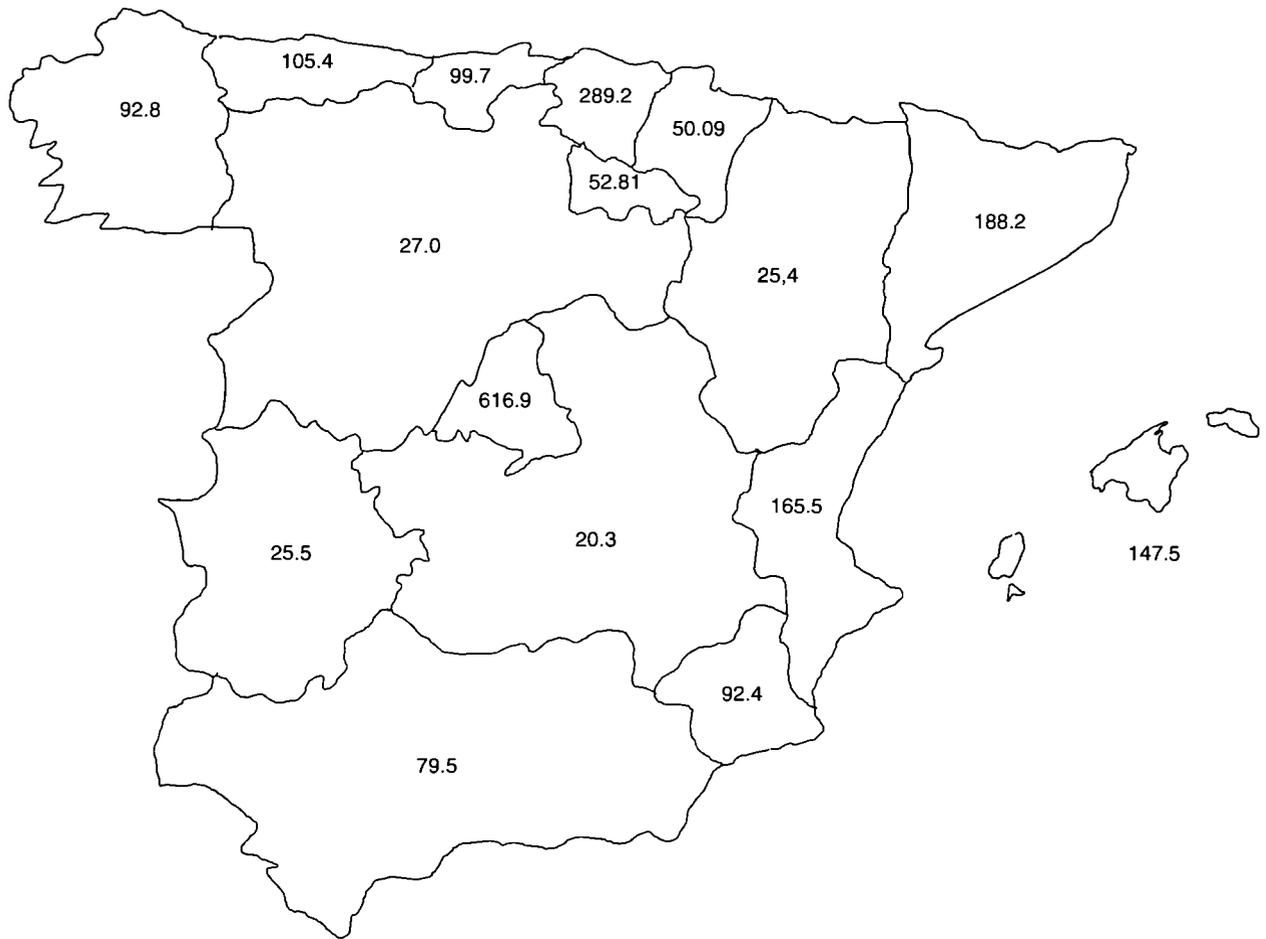
A75. The relationship between the various levels of government usually takes place by means of consultations between the corresponding departments who have relevant competence for the matter in question. Spanish land planning legislation gives freedom to political groups to establish the urban model considered most convenient for local circumstances, always respecting the rules fixed by the law. This urban model is articulated in big municipalities by the *Plan General*, and the *Normas Subsidiarias*, in small municipalities.

A76. Consulting practices, made up of architects, engineers, economists, lawyers and various other professions with competence in planning matters, such as geographers, biologists, etc. are numerous in Spain. This is not surprising given the complexity of the planning processes which must be followed until the final product is achieved.

A77. The normal system of the development process starts with the contracting of a private consultant by the developer/private investor, both to advise on a specific matter, or to carry out specific work (plan or project). Normally, this private consultant gets in touch with the experts in the administration, in order to obtain permission to carry out the work. With enquiries to the various departments of the administration who are associated with or have competence over the matter, and the various public consultation procedures (if these are mandatory (plans)), having been dealt with, the administration, through the corresponding political committee, will give the approval to finish the work.

A78. In circumstances whereby, depending on the plan or project in question, this requires more than one approval (in Spain three types of approval exist, initial, provisional and final) these are given successively. The procedure described above will be followed for each one of the stages, and the enquiries that have been made earlier and dealt with positively with respect to the authorisation of the said plan or project will be obviated in subsequent stages.

Figure A2 - AUTONOMOUS COMMUNITIES IN SPAIN
 POPULATION DENSITY IN NUMBER OF INHABITANTS/km2



SPAIN 77.0
 EC-12 145.9

A79. The Spanish planning system allows for public participation at all stages of planning, including the gathering of ideas for the formulation of plans; drawing on the views of groups who might have an interest in, or knowledge of, the matter in question; and the possibility of formulating objections at each one of the stages of approval through which any of the planning instruments must pass. In the great majority of cases it is the administration itself which asks the affected groups (residents associations, professional bodies, etc.) to participate so that they can express their opinion on the proposal in the pre-drafting stage of the planning instruments.

A80. Alternative suggestions can be presented and in subsequent stages of plan-making, when initial and provisional approval has been given, it is possible for objections to be raised by individuals and/or groups who consider themselves to be affected. Once final approval has been given, the only recourse is to bring a legal appeal before the Courts against the planning determinations.

A81. It could be suggested that the Spanish system is excessively repetitive in allowing for public participation in the planning process. However these participation processes do not appear to be well structured. In the majority of cases, the objections are raised by the owner/s of the affected land, who normally seek greater building capacities, rather than adjacent owner(s), affected parties, etc., who might wish to seek improvements in the proposals contained in the plans which have been made available to the public. As rare as such objections are, when they do take place, they require the support of an organisation or association in order for them to be taken into account.

Population and statistics

A82. The processes of demographic development that have occurred in Spain vary considerably according to the area in question. There has been a clear tendency towards metropolitanisation, although this process appears now to have slowed down.

A83. The population densities of the autonomous communities as detailed in Figure 1, shows some extremely high densities as is the case of Madrid, (four times the EU average), followed by those for the Basque Country and the Canary Islands. The centralist nature of Madrid, the industrial tradition

of the Basque Country, and the highly touristic nature of the Canary Islands, combined with limited physical territories, produce indexes which are much higher than the EU average.

A84. With respect to the other communities, the densities in Catalonia, Valencia and the Balearic Islands are also higher than the EU average. This is due to the fact that these regions all belong to the Mediterranean Arc which is traditionally important in attracting labour. Other communities have average densities which are somewhat lower than the EU average, notable peripheral regions, and regions of the Spanish interior, with densities in the order of 25 inhabitants per km² in the cases of Aragón, Castille-Léon, Castille La Mancha, and Extremadura, here depopulation is readily apparent. These population differences lead to a greater dynamism in the production of plans in the more populated areas, and a lower number of plans and, consequently, a lower level of control in those areas of the interior which, in many cases, have negative population growth. In specific nuclei, normally on the coast, there are high demands for second homes caused by tourism pressure. This often results in large differences between the actual population and the registered population, causing very high added costs for those local authorities where these homes are found. Obviously, population differences and, more specifically, the different population trends, result in variation in planning policy. However, it is the levels of congestion resulting from the metropolitanisation of specific areas that fundamentally lead to different visions being presented.

A85. For the control of the Spanish territory there is one planning authority at national level, namely the Spanish Government. In addition, there are 17 planning authorities with a regional remit, corresponding to the 17 autonomous governments, 52 planning authorities of provincial level, corresponding to local authorities, and 8077 municipal planning authorities.

A86. Appendix 5 shows the different tiers of government in Spain, their population and the number of municipalities included in each province and autonomous community. Population and the number of municipalities are based on the 1991 Spanish census.

Sectoral policy

A87. In Spain coordination of national and regional policies is imposed by the fact that the State executes major infrastructures policy which

is within its competence. In this way, the State helps to condition the use of the territory.

A88. The main problem in developing coherent territorial policies is the strict compartmentalisation between departments of the same government. This often gives rise to a situation where there is a closer relationship between similar departments of two different communities than between two departments with shared powers within the same region. In general, there are closer intra-regional relationships than those which exist between the various communities and the corresponding national Ministry. Overall there is very little permeability, either horizontally (between departments of the same level of government) or vertically (between departments with shared competencies and/or corresponding to different levels of government). Normally, the highest level of coordination that exists between central and regional governments takes the form of agreements with respect to particular issues or sectoral activities. This coordination is however, never of a global character.

A89. Because the *Plan Nacional* has yet to be drafted, it is impossible to speak of the coordination of planning policies between national and regional levels. It is, however, possible to speak of the coordination of policies between regional and local governments. This latter situation is one which, despite the limited number of approved planning instruments of a regional character is taking place on a daily basis. This might be due to the fact that it is the regional governments which have the power to approve the general type planning instruments of the municipalities which form part of their territory.

A90. For instance, in Catalonia, the General Directorate for Development of the autonomous community will not give final approval to general type planning instruments if these are not in agreement with the criteria laid down by the Directorate. This represents an indirect, but important method of controlling development activity within its territory.

A91. Another example of this coordination of regional and local policy is found in the Basque Country. Here because of its peculiar system of powers derived from its *fueros* (or old system of regional laws), there are various territorial planning directives. Although very recently approved by regional government, they have to be respected and taken into account as when devel-

oping urban development policy, designed in this case by the *Diputaciones Forales* (equivalent to county councils). Thus the regional planning instrument conditions urban development at the level of the municipality and, in this sense, represents a model example because the only instrument of territorial control in the hands of the Basque regional government is the design of the territorial policy. This problem has been solved with the drafting of the planning directives.

A92. Given the importance that planning has for the coastal fringe in Spain, it should be noted that the *Ley de Costas* (Coasts Law), which constitutionally has already been confirmed, is applied by almost all of the coastal municipalities based on consensus agreements.

Trends

Central power/local power

A93. The trend for the decentralisation of territorial planning responsibilities was derived from the approval of 1978's Constitution. Efforts are being now directed towards implementing this decentralisation tendency, with the drafting of plans of a regional character falling within the competence of the regional governments, those of a municipal character falling within the competence of local authorities, and the final approval of both resting with the regional governments.

A94. Currently no changes are contemplated in this distribution of powers, although the Federation of Local and Provincial Authorities is demanding a greater degree of independence for local authorities. In particular, that the local authorities should have the power of final approval for all the planning instruments which are drafted within their territory.

Flexibility/certainty

A95. In Spain the plans, despite being markedly rigid in their conception, are very flexible in their execution. Local authorities are always prepared to amend them whenever it is possible, by way of the pertinent development agreement, in order to reflect new initiatives.

A96. Nevertheless, central government is not predisposed at this time to change or modify the National Land Use Planning Law, nor to make it more flexible by some legal method. However, Spain is

still waiting for the judgement of the Constitutional Court on appeals that have been brought by the autonomous communities of the Balearic Islands, Catalonia and Aragón against several articles of the *Texto Refundido* of 1992. These appeals are based on the grounds that the law breaches the terms of the Constitution. It is possible that important changes to the concept of the planning system may flow from this judgement.

A97. What does exist in Spain is a tendency to develop mechanisms that speed up the development processes (in terms of both time and money), because of the economic advantages that shortening time-periods brings for the promotion of land. Spain is one of the countries where the least time is taken in the granting of building permits, because all applications are made to one single body (the local authority).

A98. There is a general feeling in Spain that planning is too restrictive and overly defined, making it difficult to comply with. As a consequence, it can be argued that currently there is a tendency towards making the ordinances on building and land use more flexible, whilst maintaining some fixed general norms. This means fixing permitted uses but allowing changes of use between permitted ones and, consequently, to draft ordinances in more general terms. Some experts believe these general ordinances should even be of common application throughout the State.

A99. The fundamental philosophy of planning as a culture is not questioned. In Spain the plan continues to prevail over all development.

Government structure

A100. No profound changes are planned to the structure of government in Spain, nor to the political and administrative divisions that result from the approval of the 1978 Constitution. The changes that have taken place to date have related to the allocation of various subject matters to different Ministries, or even the internal reorganisation of their competencies and powers. These changes have been of no significance for other levels of government.

A101. This division of competencies is cause for concern particularly in relation to spatial planning. In the case of the Ministry of Public Works, it not only separates territorial planning (territorial policy) from urban development (environment and housing), but it also separates environment from

territorial planning. The objective of sustainable development, as advocated by the European Union, is a joint objective of combining both territorial planning and environment. In this sense the separation of infrastructure policies (territorial policy) and of environment (environment and housing), and the lack of any coordination between these with urban development policy, might prevent the coherent definition of a global policy on sustainable development.

Policy

A102. The main political priority related to planning is based on measures to make housing accessible to all citizens, in order to comply with Article 47 of the Constitution. Currently, the Ministry of Public Works (*Moptma*) has set up an Expert Commission on Development with the aim of re-designing the main pillars of a law and practice. This will review available legal instruments and structures to make land policies more flexible particularly those policies which are of assistance in matching supply to demand in the creation of new housing.

A103. Another of the themes which has obvious repercussions in current planning processes is the consideration of the impacts that spatial transformation processes are having upon the environment. The general Spanish approach is more restrictive than its European counterparts (see Section D. Protection of the environment/conservation) and no changes are anticipated, even if there is a change in the political complexion of central government.

A104. With regard to the protection of historic buildings, Spain has a particularly rich heritage. The protecting provisions resulting from the approval of the *Ley de Patrimonio* of 1985 and the provisions contained in the numerous *Planes Especiales de Protección* (special protection plans) which exist at the municipal level are complemented by the *Plan de Vivienda 1992-95* (Housing Plan 1992-95), which is of a national character and which establishes measures for financing rehabilitation works mainly in historical centres. These measures have subsequently been developed by the laws of the autonomous communities and represent a contribution which is not only economic in nature, but also reflects a planning philosophy. These laws are very important with respect to any reconsideration of the growth model and represents the enormous economic asset that our heritage of historic buildings represent.

B. Making and reviewing plans and policies

Overview

B1. Since the approval of the 1976 *Texto Refundido* (Land Use Law), a general type planning instrument is required in all the municipalities in the country. It therefore follows that in theory, all land in the country should be covered by a planning instrument which determines the use of land. However, this is not the case. Only 65% of municipalities have such an instrument, although this is a considerable increase on the 25% coverage in 1977.

B2. Policy institutions in Spain are numerous and of various types. The graphic which appears in next page summarises all the policy institutions and policy instruments in Spain, as well as the type of plans that each of them can produce.

B3. In Spain there are some national policy institutions affecting planning, the most important being the *Ministerio de Obras Públicas, Transportes y Medio ambiente* (Ministry of Public Works), which holds all competencies on planning not transferred to autonomous communities by the 1978 Constitution. There are other ministries which impact on spatial planning either in an economic way or limiting the use of some special areas. Corresponding departments exist in each of the 17 autonomous communities. Such bodies have both the power for structure planning inside their territory and for the final approval of land planning instruments of a general type. These should be produced by the 8 077 municipalities. These general land planning instruments should initially be approved by the municipalities development committees and the full council.

B4. Another local administrative level also exists called the province. Their power is situated between the autonomous communities and municipalities. Their competencies and responsibility in planning is mainly focused on the *Normas Subsidiarias de Planeamiento de Ambito Provincial*, a type of land planning instrument used in those municipalities, mostly of a small size, with no complete planning instrument of their own.

B5. In relation to the planning instruments described below it must be noted that information relates to all the instruments contained in *Texto Refundido de la Ley sobre el Régimen del Suelo y la Ordenación Urbana de 1992*, the national law on planning currently in force. Several autonomous communities which, according to their competence with respect to land use planning, have subsequently enacted their own laws that can lead to variations, though not substantially, in the type of planning instruments described below. These regional laws are identified in Appendix 6.

All the planning instruments described cover the five types of land that exist in Spain. These are urban land, programmed developable land, unprogrammed developable land, normal undevelopable land and protected undevelopable land.

Policy institutions

National government departments

B6. Planning at national level falls directly within the competence of the Ministry of Public Works, Transport and the Environment (*Moptma*).

Figure B1 Relations between the policy institutions and instruments

POLICY INSTITUTIONS			POLICY INSTRUMENTS		
LEVEL	PLANNING AUTHORITY	SIZE OF INHABITANTS	TYPE OF PLANS	DESCRIPTION	LEGAL EFFECT
1. NATIONAL	Ministry of Publics Works, Transports and Environment	38,9 million	National Plan	Maps and guidelines	If produced, binding for Autonomous and Local Authorities
2. REGIONAL	17 Autonomous Communities (their Regional Ministries)	From 265.000 to 6,9 million	Territorial co-ordination Master Plans or its equivalent	Maps, guidelines and/or Norms, depending on the type of Plan	If produced binding for all Local Authorities belonging to that Autonomous Community
3. PROVINCIAL	52 Provinces	From 140.000 to 5 million	Provincial Subsidiary Norms	Written Statements	Binding for the Local Authorities with no proper land planning instrument of their own
4. LOCAL	8.077 Municipal Councils	From 100 to over 1 million (wide deviations)	Municipal Plans Revision every 4 years Local Plans	Maps, guidelines and written statements Maps and written statements for specific control of development	Binding for the Local Authorities and the landowners Binding for any landowner, including administration

INFORMATION: 1991 CENSUS
LAND USE LAW 1992
OWN SOURCE

B7. Other ministries whose activities might have some impact, albeit tangential or limited to a precise matter, include the Ministry of Public Administrations, the Ministry of Economics and Finance, the Ministry of Agriculture, Fisheries and Food, the Ministry of Industry, Trade and Tourism and the Ministry of Defence.

Ministerio de Obras Públicas, Transportes y Medio Ambiente (Moptma)

B8. The *Moptma* was created by *Real Decreto* 1173/93 of 13 July 1993, in agreement with that provided for in *Real Decreto* 576/91 of 21 April 1991. This established the Ministry's basic structure and powers in environmental matters by expressly including this aspect in its name. It was also assigned functions which, up to this time, had been carried out by the Ministry of Public Works and Transport. Earlier, in 1976/77, both the name and powers of the Ministry had been changed from Housing and Development to Public Works and Development, although this did not mean that it lost responsibility for housing.

B9. The Ministry is headed by the Minister (a member of the Government), with two Secretariats of State, Environment and Housing and Territorial Policy and Public Works, with both having competencies in planning policy. An express *Decreto* (decree) is required for any division and re-organisation of the Ministry.

B10. The *Moptma* is able to prepare policy guidelines for areas which are primarily the responsibility of regional government or local authorities.

National government retains competence in:

- the preparation of basic guidelines for development character contained in the *Plan Nacional*;
- the drafting of rules which are of obligatory throughout the State and contained in the *Ley del Suelo*;
- the monitoring, control and ensuring compliance with the rules, and policies within its competence;
- the coordination between various policies, affected administrative bodies, and international representation (*Real Decreto* 1.671/93 of 24 September 1993).

B11. *Moptma* is responsible for:

- infrastructure policy (only with respect of the State's network);
- general aspects of development policy which are normally linked to land policy and have not been transferred to the regional governments;
- general policies on territorial planning, transport and the environment.
- major guidelines for housing policy, which are subsequently complemented by each the regional governments.

B12. The Ministry carries out its activities throughout the State, where its coverage is total, and it has offices in each one of the 52 provinces which make up the State administration.

B13. The activities which the Ministry carries out can be grouped into the following large areas:

- the creation and maintenance of large-scale infrastructures, all of them related to spatial planning: roads, railways, airports, hydraulic works and coastal management;
- the provision of public services;
- the planning and regulation of productive sectors related with the use of land: land transport, telecommunications and housing;
- activities which facilitate access to housing;
- the strengthening of environmental policy.

B14. The three central instruments of *Moptma* policy for the medium term are:

- the *Plan Director de Infraestructuras (PDI)*, which is the Master Plan for Infrastructure;
- the *Plan Hidrológico nacional*, the national water plan;
- the *Programa Nacional de Medio Ambiente*, the national programme for the environment.

B15. This Ministry manages its own spending, and that of the 15 autonomous bodies which depend upon it, the 37 government-owned corporations and public entities and the seven other

Government-owned corporations which make up the *Grupo Patrimonio* and which are functionally dependent upon *Moptma*.

Source: Ministry of Public Works. Organisation Scheme. Madrid, 1993. Ministry of Public Works. Budget for 1994 (an annual publication).

Ministerio para las Administraciones Públicas

B16. (Because of the transfer of powers to local and regional governments) there is a strong relationship which development policies have with the local administrations. It is therefore important to understand that in Spain both these levels of government are heavily dependent upon the Ministry of Public Administrations (formerly territorial administration).

B17. The Ministry of Public Administrations is headed by a Minister. In turn there are two State Secretariats, that of the Public Administration and that of Territorial Administrations. The latter controls both the Directorate-General of Territorial Cooperation and the Directorate-General of Territorial Economic Activities. Its geographical coverage extends throughout the national territory. This Ministry is important as a source of information for much of the data contained in this report. Periodically it publishes information on all the Ministries, including their main reference data.

Source: Ministry of Public Administration. Organisations Schemes. Madrid, 1993 (a non-periodical publication).

Ministerio de Economía y Hacienda

B18. The activities of this Ministry are related to planning policies in Spain by virtue of the fact that:

- there is a single fiscal policy in Spain. The power to tax has not been devolved to the autonomous communities (except for Navarre and the Basque Country) and, therefore, resources for development linked to both rural and urban property depends upon this Ministry;
- the coordination of the central treasury and the territorial treasuries lies with this Ministry. All regional planning bodies, regional economic incentives and the European funds are managed in this Ministry.

B19. Apart from the importance of the various mechanisms for regional development described in Section D. Regional economic development, one of the most important departments within this Ministry, as far as spatial planning is concerned, is the *Centro de Gestión Catastral y Cooperación Tributaria* (Property Registry Management and Tax Cooperation Centre) which is responsible for the *Impuesto sobre Bienes Inmuebles - IBI* (property tax). Today this represents one of the main, if not the main, source of finance for local authorities with respect to the processes of urban change.

Source: Ministry of Public Administration. Organisations Schemes. Madrid, 1993 (a non-periodical publication).

Ministerio de Agricultura, Pesca y Alimentación

B20. Within this Ministry there are two bodies which have relevance to processes involving the occupation of space or spatial transformation:

- The *Instituto Nacional de Reforma y Desarrollo Agrario (IRYDA)* (National Institute for Agricultural Reform and Development), is responsible for those activities which involve changes in crops or in use, responsibilities for which have not been transferred to regional governments.
- The *Instituto Nacional para la Conservación de la Naturaleza (ICONA)*, (National Institute for the Preservation of Nature), upon which the General Sub-directorates for the Protection of Nature, for Natural Spaces and for the Planning of Natural Resources all depend. It should not be forgotten that environmental management generally falls within the competence of regional governments.

Source: Ministry of Public Administration. Organisations Schemes. Madrid, 1993 (a non-periodical publication).

Ministerio de Industria, Comercio y Turismo

B21. This Ministry is relevant to the planning process especially in relation to large-scale industrial activities through its *Subdirección General de Promoción de Inversiones Industriales* (General Sub-directorate for the Promotion of Industrial Investment), a body which is dependent upon the Secretary of State for Industry. Its impact is very precise.

B22. The General Secretariat for Tourism, although currently having limited impact because of the transfer of this competence to regional governments, is re-establishing some importance through the creation of an Inter-Ministerial Committee (see Section D. Tourism Development).

Source: Ministry of Public Administration. Organisations Schemes. Madrid, 1993 (a non-periodical publication).

Ministerio de Defensa

B23. Although the Ministry of Defence does not directly intervene in the planning process, it does have some impact:

- by releasing land often located in the centre of cities (barracks), it has an influence on the urban development model of the city in question;
- by issuing various guidelines whose contents give preference to defence uses over any other form of use to which a territory can be put (*Ley de Espacios de Defensa Nacional* and Article 68.2.b) of the *Texto Refundido de la Ley del Suelo* of 1992.

B24. The Ministry of Defence owns a significant proportion of land which is classified as undevelopable, some of it protected (e.g. the Island of Cabrera in the Balearics) and important land and property assets in the centre of cities. These uses are being relocated to the outskirts of towns and cities, and the Ministry has engaged in property development giving rise to considerable income between 1984-93.

B25. Furthermore, the *Ley de Espacios de Defensa Nacional* (National Defence Spaces Law) is totally binding on all matters of territorial planning, which has to respect any limitations contained within this Law.

Source: Ministry of Public Administration. Organisations Schemes. Madrid, 1993 (a non-periodical publication). Land Use Law 1992.

Regional government departments

B26. There are 17 autonomous communities in Spain, each with their own government and departments. It would be both unnecessary and excessively repetitive to list here all the names and functions of each one of the departments oper-

ating within the 17 communities. Their characteristics are similar to those of the ministries mentioned earlier, although they operate within an remit of powers and competencies that are appropriate to themselves. There is a delegate from central government in each autonomous community. The corresponding Department of Public Works or Land Planning of each of the Communities, has a Territorial Development Committee which is responsible for the final approval of all municipal land planning instruments, and other planning instruments for municipalities with a population under 50 000.

Local government departments

B27. In Spain there is an intermediate local government called Provincial Government, which covers the division of Spanish territory made in 1833. There are 52 provinces in Spain, two of them being the cities of Ceuta and Melilla. Autonomous communities have a variable number of provinces (see Appendix 5).

B28. Municipal governments in Spain are based in the town halls where there is a Council, presided over by a mayor, and several committees. One of these committees is especially important for spatial planning namely, the Land Planning Committee. This body is responsible for the preparation of any planning instrument involving public initiative in the municipality, and particularly the general type land-planning instrument, which in Spain should be prepared by each municipality. Following definitive approval of these documents by the local administration, they are adopted by the Council. The Council is also responsible for building and other permits in its area.

National government organisations or agencies

B29. There is only one government-owned corporation dedicated to the planning and management of land at a national level. This is the

SEPES (Sociedad Estatal para el Equipamiento de Suelo)

B30. This is a government-owned corporation which was created by *Real Decreto* 2.640/1981 of 30 October 1981. It does not function as an agency as such, because it does not execute national policy on land. Its activities do not follow

general criteria of land policy and it can best be regarded as an agency in the American mould.

B31. Its area of activity extends throughout national territory, with its most important objective being to provide high quality urbanised land at competitive prices.

B32. From the year of its creation until 1991 the Corporation was exempt from national taxes. It therefore did not operate in conditions equal to the rest of the market. However since 1991 it has had to make itself fully competitive.

B33. The Budget Law of 1991 granted *SEPES* the ownership of land which had originally been destined for the execution of public works by the Department but then left undeveloped. Following this change of use, *SEPES* can introduce it to the market as urbanised land as and when appropriate. The aim of this measure is to increase the supply of urban land in central locations, helping to restrain speculative processes and to consolidate public activities within the framework of the *Plan de Vivienda 1992-95*. Approximately 75 % of its funds come from the profits on its ordinary operations and from interest on sales, around 20 % from capital grants, and the rest from other sources.

B34. The Corporation has access to the different Structural Fund programmes (FEDER). In 1991 it was included in the REGIS operative programme (inland regions), applying for funding for its activities on industrial land in Aragón, Cantabria, Catalonia and Navarre. The collaborative programme using FEDER funds, undertaken between 1989 and 1993, has resulted in a global contribution of European funds of ESP 5 214 million, with *SEPES* providing ESP 5 225 million pesetas during the same time, representing an approximate subsidy from Europe of 50 % of the programme.

B35. These activities included one under Intereg (1990-93), and another under REGIS, with the percentage of subsidy being 34 % in the first case and 50 % in the second.

B36. The Corporation operates in the following manner:

- Before initiating any operation it carries out development and economic viability studies.
- If the result is positive, a Collaboration Agreement is entered into with the local authority

where the proposed operation is to take place. This ensures that the operation can be carried out jointly and smooths out any development and administrative type problems from the outset.

- The next stage is land acquisition. Attempts are made to avoid compulsory purchase procedures because of the increased time that this implies.

All the development planning that is necessary to carry out such activity is undertaken by *SEPES* own experts, who prefer to design for medium-sized stages of urbanisation. This reduces the time that stock is left standing, unsold and is intended to achieve a quick recovery of investments.

- Once final planning approval has been given the average time to completion of building is about two years.

B37. Currently, given the problem of delay in the granting of final approval to planning instruments, approximately 50 % of land assets acquired by the Corporation are awaiting planning approvals and thus frozen by municipal development problems.

B38. Pricing policy is based on each activity being self-supporting, following the principle of price neutrality between one site or location and another. This therefore avoids any thought there might be of favouring specific locations by way of hidden subsidies.

B39. There are three formulas for the transfer of land:

- An offer to purchase, open for a period of twenty days.
- Direct sales *in situ* by way of the delivery of a sum on account.
- Options to purchase, running for a period of six months, with a down payment of 10 % of the price and which are subject to exercise upon the presentation of an execution project and the corresponding works permit from the local authority. These options contain an express prohibition on transfer until the industrial building has been completed, with this obligation being guaranteed by a penalty clause equivalent to the price of the transfer.

This formula is used when speculative phenomena have been detected, with positive results, although to the detriment of income flow over time.

In the above three cases, the minimum deposit is 10% of the price, the maximum period to defer payment is five years, and the interest on the sums deferred is 13.5%.

B40. The Articles of Association of the Corporation allow it to use associative formulas with public institutions, savings institutions and even individuals, in order to achieve its objectives. The basic types of association are:

- limited companies of a mercantile nature and with an indefinite life;
- mixed Compensation Boards of an administrative character, whose activities come to an end when the urbanisation work on the industrial estate has been completed.

B41. In this context, the Corporation has channelled development initiatives involving administrative and commercial centres towards specific industrial estates. The possibility of the Corporation collaborating in the development of private universities is currently under investigation.

Source: Summary of Activities, 1991. SEPES. MOPT, Madrid 1992.

Regional government organizations or agencies

B42. In Spain eight of the 17 autonomous communities have their own agencies or Institutes for the development of land and for housing policy. Given that the agency with the longest operational experience is that of Catalonia and that, save for various procedural differences, it can be considered sufficiently representative in order to understand the operation of this type of body in Spain, it is described below:

Institut Catala del Sol

B43. This Institute, which has a regional character, was created by regional Law 4/80 of 16 December 1980. It carries out its activities in Catalonia and is one of the oldest and most active organisations of this type existing at the regional level. It can be considered as typical of other regional institutions whose function is to design

and execute planning. It is made up of a Board of Directors and a Manager.

B44. The development activities carried out by the Institute are:

- primarily to act as the public developer of land, following directives fixed by the General Directorate of Planning of the autonomous community of Catalonia;
- it can also carry out activities agreed to with landowners, by means of setting up compensation boards;
- finally, the Institute also carries out policy for the development of public housing and, at the same time, provides funds for the private development of housing.

B45. The Institute carries out its activities in an integrated and holistic manner, from the drafting of the plan and purchase of land (which is carried out by the Property Section, with land being acquired either by mutual agreement or by compulsory purchase) to the exhaustive follow up of the final product and the drafting of the urban design and public spaces project. The Development Expert Service is responsible for the drafting of development projects. It controls the execution of contracts, which are awarded either as a result of public competition or by direct award, and the subsequent sale of the land, this being either of a residential, industrial or service type.

B46. The Catalan Regional Government, by way of its Law 3/1984 on Measures for the Adjustment of the Urban Planning of Catalonia has fixed various Priority Urbanisation Sectors, whose execution has acquired special importance for the Institute, and where it has been particularly active since 1989. The declaration of a Priority Urbanisation Sector allows for the rapid urbanisation of land in those locations where it is considered necessary, thus avoiding speculative activity and respecting the rights of owners, who can themselves participate in the urbanisation process. In some of these sectors the whole urbanisation process has been completed in less than two years. Sometimes various development consortia have also been created, in collaboration with the interested local authorities, in order to develop important facilities such as those used in the 1992 Olympic Games.

B47. The other great area of activity undertaken by the Institute is the public development of

housing following lines fixed by the General Directorate of Architecture and Housing and often constructing houses which are subject to the different protection regimes and subsequently transferred to the Department of Social Welfare for allocation. The Institute also takes part in the joint development of housing with other bodies, especially with local authorities and their municipal housing trusts, or development companies. The Institute constructs housing on their behalf or provides finance for either new construction or for acquisition of existing houses.

B48. The list of activities is completed by one which supports the rehabilitation of equipment and facilities, especially on behalf of local non-profit-making organisations.

B49. During the past three years, the balance of investment has swung increasingly towards urbanisation costs, to the detriment of investment in the acquisition of land. The main priority is now the preparation of those pieces of land previously acquired.

B50. The Institute works both with local authorities and various private initiatives, often acting as a substitute for the latter when they do not comply with objectives within the time specified. An open line of credit also exists for the agreed promotion of housing built by local groups, whilst part of the funds are also allocated for loans to help rehabilitate municipal equipment and facilities.

B51. The Institute has also been involved, independent of its role as a provider of land, as a development enterprise for different compensation boards, in collaboration with private initiatives. The Housing Expert Service is responsible for overseeing the execution of building works carried out by the Institute. The largest share of investment is directed towards the construction of houses for direct public promotion. This task is complemented with the construction and rehabilitation of equipment and facilities.

Source: Summary of Activities, 1991. Institut Catala del Sol. Generalitat de Catalunya, Barcelona 1992.

B52. Other institutes or companies which are equally active are the *Instituto Gallego de la Vivienda y Suelo* which operates in Galicia, the *Sociedad Mixta para la Gestión y Promoción del Suelo*, which operates in Asturias, the *Empresa*

Pública del Suelo de Andalucía which operates in the Andalucía, the *Instituto del Suelo y la Vivienda de Aragón*, which operates in Aragón, the *Instituto Valenciano de la Vivienda*, which operates in the Comunidad Valenciana, the *Instituto Balear de la Vivienda*, which operates in the Balearic Islands, and the *Instituto de la Vivienda de Madrid*, which operates in the Autonomous Community of Madrid.

Policy instruments

B53. In Spain legislative capacity for planning matters is shared between the central administration and the administrations of the autonomous communities.

B54. In discussing policy instruments, a distinction needs to be made between Acts or Laws, and plans. Though in Spain plans do have a legal character and their specifications are binding for all agents operating in the territory.

Acts or laws

National laws on land planning

B55. The most relevant national law concerning spatial planning is the *Texto Refundido de la Ley sobre Régimen de Suelo y Ordenación Urbana* dating from 1992, shortened to TR 92 (*Real Decreto Legislativo 1/1992*. BOE 30-6-92), which identifies and defines the content of different types of plans.

B56. As a result of the approval of 1978 Constitution, national law contains articles with three different levels of applicability;

- Those with FULL application, include regulations of those matters that, in accordance with the Constitution, fall within the exclusive competence of the State.
- Those of BASIC application, correspond to those matters of shared competence, where the autonomous communities may pass its own laws, always provided that these do not contravene that which is provided for in the national law.
- Those of SUPPLEMENTARY application, which correspond to those matters falling

within the competence of the autonomous communities but where, in the absence of specific regional legislation, they use national law as supplementary law.

B57. Matters which fall within the exclusive competence of the State include:

- The valuation of land because it relates to the laws of property and the fiscal regime and, therefore, falls within the competencies of both Civil and Tax Law.
- The general provisions of the *Plan Nacional de Ordenación* (national plan).
- All those aspects which have tax repercussions, such as registrations derived from the drafting of a *Proyecto de Compensación* or *Proyecto de Reparcelación* (a compensation project or a re-division into plots project).
- Regulations on compulsory purchase or direct possession of assigned lands prior to the review of the programme of a plan. These include provisions relating to the rules on compulsory sales, the fixing and payment of the appraised value, the procedure for joint valuation, and the circumstances for the return of compulsorily purchased land.
- The cancellation of licences, specific provisions relating to acts initiated by public administrations, licences to divide plots.
- The declaration of public benefits for compulsory purchase purposes.
- The establishment and extinction of surface rights.
- All those provisions relating to claims or appeals and all those provisions relating to the Property Registry.

Other national laws

B58. There are other national laws which have an impact on land development and urban planning, including;

- *Ley del Patrimonio Histórico-Artístico* (Ley 13/1985) concerning artistic/historical heritage.
- *Ley de Aguas* (Real Decreto 927/1988), concerning water as a resource.

- *Ley de Evaluación del Impacto Ambiental* (Real Decreto Legislativo 1.302/86), concerning environmental impact evaluation.
- *Ley de Ordenación de los Transportes Terrestres* concerning land-transport planning.
- *Ley de Costas* (Ley 22/1988), concerning coastal land.
- *Ley de Carreteras* (Ley 25/1988), concerning motorways and its space of influence
- *Ley de Conservación de los Espacios Naturales y de la Fauna Silvestre* (Ley 4/1989), concerning conservation of natural spaces, wild flora and fauna.

Regional laws

B59. There are also laws in the autonomous communities some are specifically related to spatial planning, and are detailed in Appendix 6, but these are complemented by others such as infrastructure or environmental affairs that are of relevance to spatial development in the territory of the regions. Due to their diversity, it is impossible to describe all of them, nor gather them in an Appendix. The most appropriate way of finding out about the variety of legislation is to consult the official gazette in each the autonomous communities.

B60. These regional laws are prepared in order to control those matters that, according to Spanish Constitution, have been transferred to the autonomous communities and are applied within their geographical boundaries. In absence of regional laws on any devolved matters, national law shall be applied.

Plans

B61. Plans in Spain have a pyramidal configuration, following the principle of framework control. This means that the ones occupying the lower levels of the pyramid, must respect the provisions contained in those of a higher level. This configuration is shown in the following diagram, 'Hierarchical planning instruments configuration'. All plans in Spain have an indefinite life. The plans are immediately binding, once their final approval has been published in the relevant official gazette.

National planning instruments

Plan Nacional (national plan)

B62. Provisions concerning the *Plan Nacional* were brought together in the *Texto Refundido de 1992 (TR 92)*. The *Plan Nacional* has never been drawn up. Nor is there any indication of when it will be prepared. The instrument with the broadest scope in the planning or organisation of the national territory which has been drafted to date is the *Plan Director de Infraestructuras* (PDI) of 1993-94, though this is not a planning instrument enshrined in law.

B63. In a hierarchical organisation of planning instruments such as that found in Spain, and in the circumstances where the *Plan Nacional* is finally prepared, all planning instruments which are produced below the national level, say regional or local, will have to respect its decisions. The geographical coverage of the *Plan Nacional* should encompass the whole of the Spanish territory. The life of this plan, as with any other plan in Spain, is undefined.

B64. Up-dating of the *Plan Nacional* may be carried out by central government, according to the Law approving the plan. The objectives of the *Plan Nacional* will be to concentrate on:

- establishing the main territorial directives;
- fixing aims and objectives;
- determining the priorities for public action at the level of the national territory in order to facilitate the coordination and adoption of strategic decisions which help to reconcile economic dimension with quality of life and social welfare issues;
- integrating the national dimension into European space;

and all within the framework of the power and responsibility which correspond to the level of the State as defined by the Constitution.

An example of a national plan — '*Plan Director de Infraestructuras*'

B65. In the absence of a *Plan Nacional* (national plan) which has not yet been produced, the *Plan Director de Infraestructuras* (PDI) (Infrastructures

Master Plan) which operates throughout the whole of Spain can be used as an illustration of a plan of national character. This is in practice the first attempt to create strategic planning framework for all infrastructure throughout Spain. It encompasses inter and inter-urban transport systems and environmental elements including water systems and infrastructure designed to conserve natural spaces.

B66. Whilst the plan covers the whole Spanish territory, it differs significantly from a *Plan Nacional* in that its status is to guide infrastructural development activities, rather being mandatory. It is not a planning instrument as prescribed by law and has no fixed duration. Its programme lasts from 1993-2007 and foresees investment of ESP 18.7 billion. The plan will be important guidance and will be used as a reference point for any proposed actions or investments from the Ministries of Public Works and/or the Environment.

B67. It was started in 1991 when all the State competencies for major infrastructure rested with one Ministry (Public Works and the Environment). It was designed as an instrument with a dynamic and flexible character that would provide a coherent and strategic framework for the development of an infrastructure policy which would ease annual budget debates. The objectives of the plan are:

- to achieve the highest levels of competitiveness and efficiency through the development of a basic infrastructure network in order to optimise levels of accessibility;
- to promote the idea of creating balanced growth through Spain by ensuring that all parts of the territory are connected to the macro network; and
- to promote an environmental perspective to sustainable development particularly to ensure that the allocation of Cohesion Funds have an economic, social and environmental logic.

B68. Work started on the plan in 1991. Following consultation with the autonomous communities and subsequent revisions, the plan was initially presented in March 1993. Subsequently, further comments were received from the municipalities, other government departments, and other interested professionals with either national, regional or sectoral interests which necessitated a second round of revisions. It was finally endorsed by the Council of Ministers in March 1994.

Figure B2 Hierarchical planning instruments configuration

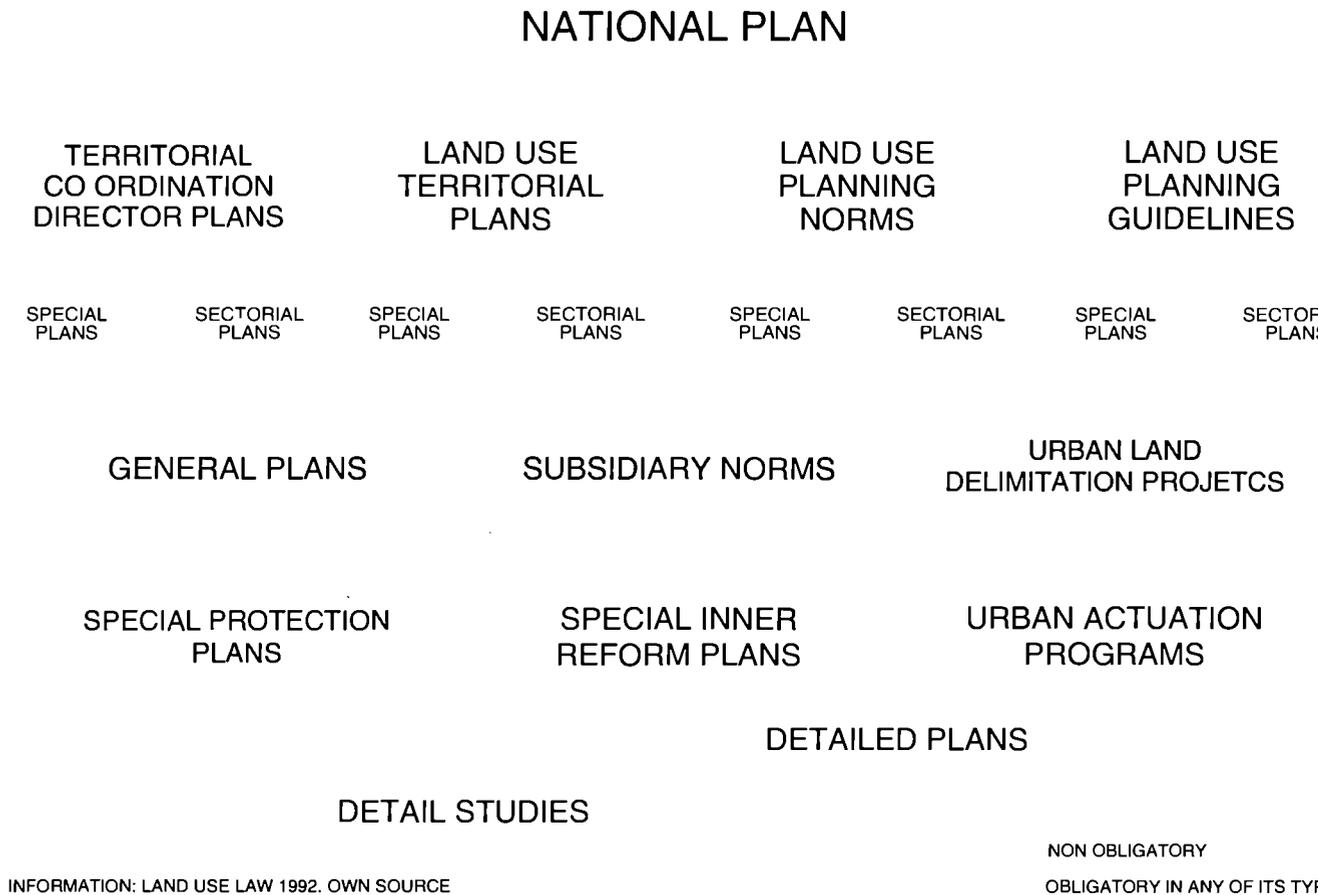


Figure B3 Land use planning instruments

NATURE	INSTRUMENT	GEOGRAPHICAL COVERAGE	COMMENTS
NATIONAL	NATIONAL PLAN	THE WHOLE STATE	IT DOESN'T AND HASN'T EXISTED EVER
AUTONOMIC OR REGIONAL	TERRITORIAL CO ORDINATION MASTER PLANS OR ITS EQUIVALENT IN AUTONOMOUS LEGISLATION: PLANS/GUIDELINES/NORMS SPECIAL PLANS	PART OR THE WHOLE LAND BELONGING TO THE AUTONOMOUS COMMUNITY	ACTUALLY THERE ARE BEING OR HAVE BEEN REDACTED SOME DOCUMENTS OF THIS TYPE IN SEVERAL AUTONOMOUS COMMUNITIES (P. VASCO - ANDALUCIA - ASTURIAS - CANTABRIA - CATALUÑA - MADRID - NAVARRA - C. VALENCIANA) THEY NEED THE PREVIOUS EXISTENCE OF ANY TYPE OF TERRITORIAL PLAN
PROVINCIAL	PROVINCIAL SUBSIDIARY NORMS	PART OR THE WHOLE LAND OF THE PROVINCE	WHERE THEY EXIST, AND IN ABSENCE OF PLANNING INSTRUMENTS, THEY CONTRIBUTE TO CONTROL LAND USE
MUNICIPAL	GENERAL PLAN SUBSIDIARY NORMS URBAN LAND DELIMITATION PROJECTS URBAN ACTUATION PROGRAMS DETAILED PLAN SPECIAL PROTECTION PLANS SPECIAL INNER REFORM PLANS DETAIL STUDIES	THE WHOLE MUNICIPAL DISTRICT A SECTOR OF NON PROGRAMMED DEVELOPABLE LAND A SECTOR OF PROGRAMMED DEVELOPABLE LAND A PORTION OF ANY CLASS OF LAND URBAN LAND ON THE WHOLE OR IN PART A PORTION OF URBAN OR DEVELOPABLE LAND	ANY OF THOSE TWO ARE NECESSARY TO CARRY OUT LAND DEVELOPMENT THESE SHOULD BE OBLIGATORY REDACTED IN THOSE MUNICIPALITIES WITH NEITHER GENERAL PLAN, NO S.N. THEY IMPLY AN OPEN COMPETITION, TO DEVELOP LAND PRIOR TO ITS PROGRAM THEY NEED PREVIOUS G.P., S.N., OR, IF NECESSARY, U.A.P. THEY NEED PREVIOUS G.P. OR S.N. THEY NEED G.P. (URBAN LAND) OR D.P. (DEVELOPABLE LAND)

B69. Whilst the main responsibility for implementing this plan lies with the Ministry of Public Works, it should have great significance and use for regional and local administrations in so far as it sets a national infrastructure framework and therefore helps to guide others in their investment decisions.

B70. On average it is expected that some ESP 1.25 billion will be invested each year, 70% by the Ministry of Public Works and the remaining 30% to different budgets relating to ports, airports, high speed rail links, improvements in water quality and some activities within cities which may not be a State responsibility. The largest investment will be concentrated on transport infrastructure (approximately 75% of the foreseen budget), followed by water and then environmental infrastructure.

B71. Because of its special nature there are no special linkages to other types of planning instrument. It is only binding on the central administration. However by defining a series of strategic initiatives which will be undertaken with the general agreement of local administrative bodies it can be expected to have a significant impact on the development programmes and plans of other agencies.

Regional planning instruments

Planes Directores Territoriales de Coordinación (Territorial Coordination Director Plans)

B72. The provisions contained in the *Planes Directores Territoriales de Coordinación*, (planning instruments established by way of corresponding legislation of the autonomous communities) have, as their aim, the planning of the respective territory. They cover all or part of the territory of an autonomous community. The provisions which regulate the contents of these planning instruments are defined in the TR 92 and corresponding pieces of legislation passed by the autonomous communities (see Appendix 6).

B73. Review or amendment of the *Planes Directores Territoriales de Coordinación* will be carried out according to procedures established for this purpose, and within the time period and on the grounds established in the legislation. Changes in any of the perspective detailed below and which make reference to the objectives of the plan, are grounds for review or amendment.

B74. The fundamental objectives of the *Planes Directores Territoriales de Coordinación* are:

- the establishment of all planning requirements;
- the establishment of the directives to be followed for territorial planning;
- the design of a broad physical framework within which the more detailed provisions of the plan are to be put into effect;
- the establishment of a territorial model which all planning matters governed by the plan have to respect.

B75. For this purpose, a map indicating the broad geographical distribution of uses and activities should be prepared. This should indicate areas which must be subject to limitations or specific protection, whether for reasons of defence or conservation of the environment and resources or the protection of historical heritage, etc. The identification and location of basic infrastructure of all types, communications, water supply, drainage, energy supply, etc. is also fundamental in these types of plans.

B76. The regional planning instruments will be drawn up by the competent bodies within the corresponding autonomous communities, who may contract the work out to external teams. But with the proviso that this work is followed up by the relevant technical services of the community in question. The mechanisms for controlling and approving the corresponding territorial or regional planning instruments are specified in the relevant obligatory autonomous laws.

B77. The drawing up of this type of planning instrument, (which must respect the determinations of the *Plan Nacional* or, in its absence, whatever other instrument of national character that exists which has an impact on planning), is very convenient from the point of view of adjusting the regional economic plan (*PDR*) to the physical planning of the territory. The instrument is equally important in that offers the opportunity to reflect the political objectives and priorities of any given autonomous administration for the development of its territory, adjusting the physical planning policy to the economic policy of the same territory and acting as justification and support for the allocation of funds, both from national and European Union sources. However there

are very few documents of this type which are currently the subject of administrative procedures and even fewer of them finally approved (see Appendix 7). Furthermore whilst few plans of this type have been drawn up several cannot always be strictly described as plans, but rather, in the majority of cases, as directives or rules of a regional character. Currently, *Directrices de Ordenación del Territorio* (Land Planning Guidelines) exist in the Basque Country and a *Plan Director de Ordenación* (Land Use Management Plan) is presently being drafted in Valencia. Nevertheless, their existence would be desirable for all the autonomous communities, with their conclusions having to be appropriate to meet the needs identified from the results of the analyses carried out for the preparation of the *Planes de Desarrollo Regional* (Regional Development Plans).

B78. At this present time control or follow-up mechanisms for these type of planning instruments do not exist, not even in the 1992 TR. Having said this, enquiries on the part of private individuals are not very likely, although the determinations contained in these instruments bind both the administration and private individuals. The bodies with power to draw up planning instruments of a general type (see below), which represent the next level of the planning pyramid, are always public administrations, and there is always a period of public information when the document reaches the draft level.

B79. It is also important to note the obligatory linkage of the activities carried out by the various public administrations which have a territorial impact. This linkage needs to be made in a coordinated way within the framework of planning instruments of the territorial type.

An example of a regional plan — *Directrices Regionales de Ordenación del Territorio* — Asturias

B80. This example illustrates a regional planning instrument for the Autonomous Community of Asturias. Asturias was one of the first regions to develop an instrument of this type. Territorial planning in Asturias has focused on the development of framework documents for regional guidance which must be followed by sub-regional guidance related specifically to the coasts, a central area and east and west regions. These frameworks are complemented by a Natural Resources Plan which delimits the Natural parks or protected areas that must be respected when

allocating land for development. Revisions to the regional plan in Asturias are occurring when all the general land-use planning instruments municipalities were being reviewed. It is hoped that this coincidence of activity might lead to a coordinated approach to the development of the region.

B81. From 1987 it was a legal requirement that autonomous communities should prepare regional development instruments covering the whole of their territory which would guide and be binding upon all planning instruments prepared at the municipal level. The duration of these regional plans is undetermined and they can be revised whenever circumstance require them to be updated.

B82. Within Asturias the function of the regional development instrument is to promote, as far as possible, a balanced structure. Such a rebalancing of the regional territory was to be achieved by actions designed to:

- revitalise the rural areas and control urban growth;
- promote environmental protection and natural space preservation particularly in relation to coastal development. It was thought possible that coastal development could be controlled by considering the area as public space and protecting it through land-use policies;
- establish mechanisms to control land speculation and associated increases in land value;
- design principles for a municipal land tax and promote municipal land banks.

B83. In 1979 the autonomous community established the basis for its territorial policy by making explicit an expression of the aims and objectives of territorial policy within Asturias. This then provided the framework with which all decisions within the autonomous community should comply.

B84. Thus a framework for general type planning instruments *Plan General* (General Plan) or *Normas Subsidiarias* (subsidiary norms) at the municipal level was established. It was also important in the production of *Normas Urbanísticas Regionales en el Medio Rural* (Regional norms for rural areas) which were adopted in 1984 and prevented rural land from being urbanised whilst land-use

planning instruments of a general type were being approved. Consideration of a planning strategy for Asturias also led to the *Ley de Coordinación y Ordenación Territorial* (Law on Coordination and Regional Land-use Planning) approved in 1987. The principle aims of this law were to reduce regional imbalance and protect and improve the quality of the regional environment. These objectives have been incorporated into *Directrices de Ordenación del Territorio* (Land Planning Guidelines), *Programas de Actuación Territorial* (Land Action Programmes), *Evaluaciones de Impacto Ambiental* (environmental impact evaluations) and *Directrices Sectoriales* (sectorial guidelines) all of which have regional characteristics and *Directrices Sub. Regionales* (sub-regional guidelines) which develop the content of the regional planning guidelines in greater detail for the two broad zones (the central area and the south, east and western peripheries) into which Asturias was divided.

B85. Revisions to the *Directrices de Ordenación Territorial* (Regional Land Planning Guidelines) took place during 1989-90 and were finally approved in 1991. In practice, despite the objective of trying to create more balanced growth, much emphasis has been placed on the development and consolidation of the central area. Here the population and economic activity is concentrated and actions to address the economic crisis within the urban areas and mechanisms to provide support to ensure the viability of service facilities were pursued with the hope that the benefits could filter to the periphery.

B86. The extent to which these guidelines are effective and adhered to is the responsibility of the *Consejería de Ordenación del Territorio* (Regional Department for Land and Country Planning). As with other planning documents these guidelines are public in character and can be freely consulted by other agencies. However because they have the nature of guidelines, they have no programme of investment linked to its implementation.

B87. Development of regional planning instruments has continued with the *Directrices Subregionales* (Sub-regional Guidelines) for the peripheral areas and the *Plan de Ordenación de los Recursos Naturales* (Natural Resource Plan) which is the spatial manifestation of *Ley 5/91 de Espacios Naturales del Principado de Asturias* (Asturias's law on natural spaces). Implementation of these objectives is further eased legally by the

Ley 6/90 Edificación y Usos en el Medio Rural (a law on uses and buildings in rural areas) which regulates in a uniform way throughout the region all the uses and buildings permitted on undevelopable land. Implementation of this regional strategy is contained in 15 guideline documents which lower-level planning instruments must conform with.

General type planning instruments

B88. Plans of this type, are the *Planes Generales*, *Normas Subsidiarias* or *Proyectos de Delimitación de Suelo Urbano* (General Plans, Subsidiary Norms, or Urban Delimitation Projects), whose use and characteristics are explained below, and summarised in Diagram B2. They have been prepared by a very large number of Spanish municipalities (see Appendix 9). Indeed the obligation established in the previous Land Planning Law of 1976 that any municipality in Spain should have a planning instrument of the general type has meant that these instruments, and particularly *Planes Generales* have become the framework design of most of Spain's important cities. It is the usual instrument by which politicians express urban policy.

Plan General (General Plan)

B89. It is up to the local authority to adopt a resolution for drawing up a *Plan General* or other general planning instruments. In the case where these plans cover more than one municipal district, a situation which is permitted by law, the competent body of the autonomous community, at the request of the local authorities or through its own initiative, may order the preparation of a joint plan. Therefore the *Plan General* may cover one or more municipalities. The life of the plan is indefinite as with any other plan in Spain.

B90. That said, one of the documents included in the *Plan General* is the *Programa de Actuación* (Actuation Programme), which programmes the operations to be carried out in the first two four-year periods of the life of the plan. The *Programa de Actuación* should be revised every four years.

B91. Changes to the contents of the *Planes Generales* can be made reviewing the plan or by amending some of the elements which make it up. Amendments always are of a lesser scope than reviews. A review supposes the adoption of

Figure B4 Municipal land use planning instruments

POTENTIAL SITUATIONS		AVAILABLE PLANNING		USE OF SUBSIDIARY PLANNING		NO PLANNING AVAILABLE		
CONCEPTUAL DEFINITIONS		GENERAL PLAN		SUBSIDIARY NORMS		URBAN LAND DELIMITATION PROJECTS		PROVINCIAL SUBSIDIARY NORMS
LAND CLASSIFICATION	URBAN LAND	DELIMITATION CRITERIA	ARTICLE 10. LAND USE LAW OF 1.992			ARTICLE 13.2 LAND USE LAW OF 1.992		<ul style="list-style-type: none"> • DEFINITION OF "POPULATED CORE"
		DEVELOPMENT	SPECIAL PROTECTION PLANS SPECIAL INNER REFORM PLANS DETAIL STUDIES			DETAIL STUDIES		
	DEVELOPABLE LAND	CATEGORY	PROGRAMMED	NON PROGRAMMED	LAND ABLE TO BE DEVELOPED		<ul style="list-style-type: none"> • LAYING OUT OF ZONES CAPABLE OF URBANIZATION 	
		DEVELOPMENT	DETAILED PLAN	U. A. PROGRAM + DETAILED	DETAILED PLAN			
	NON-DEVELOPABLE LAND	PROVISIONS	LAYING OUT OF PROTECTION AND CONSERVATION MEASURES			NO SPECIAL DISPOSITIONS		<ul style="list-style-type: none"> • BUILDING STANDARDS

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new criteria with respect to the general and organic structure of the zone or classification of the land. This is motivated by:

- a change in the territorial model;
- new circumstances of a demographics and/or economic nature;
- the exhaustion of the capacity of the existing plan.

B92. This review may result in a substitution of the current planning instrument. In the other cases, changes details of the plan can be treated as amendments. The fundamental objective of the *Planes Generales* is to plan the totality of the municipality. For this purpose, the land contained within the municipality is normally classified in up to five types: urban, developable or capable of urbanisation in its two categories of programmed and non-programmed, and undevelopable or not capable of urbanisation in its two categories of normal and specially protected. However in some autonomous communities, their specific laws do not specify some of these categories.

B93. With respect to urban land, the objective is:

- to make a fully detailed plan, fixing uses and intensities of use, alignments and levelling and, as appropriate
- to delimit those areas which are the subject of protection, resulting in the drawing up *Planes Especiales* (special plans), either for protection or inner reform.

B94. With respect to land capable of urbanisation, it should:

- reflect the fundamental elements of the general and organic structure of the zone;
- regulate uses and intensities;
- fix short and medium-term development programmes.

B95. In addition, it should also fix the conditions for the incorporation of non-programmed activities, by drawing up the corresponding *Programas de Actuación Urbanística*. With respect to land not capable of urbanisation, it should fix:

- those measures required to preserve this land from the process of urban development;

- establish the measures for the protection of the zone and countryside.

B96. Given that the law obliges all local authorities to prepare planning instruments of a general type, the most complete and complex instrument is the *Plan General*. Other general type instruments also exist which are similar in scope but easier to prepare and less complex in their management. These instrument are used by municipalities with a smaller populations and/or lower levels of economic dynamism (see Figure B4).

B97. Planning instruments of a general character will be formulated by the local authorities. This does not mean it is their technicians who must draft the document, although they must always manage this process. Appendix 9 reflects urban planning according to size of municipality, in 1992.

B98. Once the general type planning instrument has been approved by the local authority or the body which has initiated its drafting, it is subject to public consultation for a period of one month. This period has to be advertised through the appropriate medium (official gazettes and newspapers). Following this period of public consultation, the entity or body which initially approved the plan may modify it, reflecting any amendments that have resulted from objections or comments raised, before giving it provisional approval. If the amendments are substantial, then a second period of public consultation will be opened for one month, prior to provisional approval being given to the document. In the case of municipalities which are provincial capitals or have a population of more than 50 000, once the document has been given provisional approval, reports will be sought both from the *Diputación Provincial* (provincial council) and from the autonomous government. These reports are considered favourable if they are not issued within a period of one month. When these procedures have been completed, the plan and complete file of documentation must be submitted to the competent body which must give the final approval. This is deemed to have been granted, if after six months from the lodging of the complete file of documentation in the registry of the competent body, no decision has been forthcoming. Any refusal of approval has to be justified, indicating deficiencies and highlighting amendments that need to be made. In these circumstances, the time period leading up to final approval starts again.

B99. Where a joint document covering more than one municipality is prepared, the initial and provisional approval is given by the *Diputación Provincial*, and the final approval by the competent autonomous body. This instrument is fundamental for decision-making with respect to the choice of location and the possibilities of activities to be carried out by investors and/or developers, as well as private individuals and users. It is the instrument which reflects all the development possibilities for any part of the land within the municipality. This instrument is equally important in that it represents the ideal instrument to reflect the political objectives and priorities of any specific local authority for the development of its area. Urbanism is a clearly municipal matter and this instrument provides local politicians with the ideal tool to reflect their land development policies and, consequently, their policies relating to industry and housing.

B100. The *Plan General* also fixes building specifications in each of the zones in the municipality (density, height, typology, etc.). With the exception of very particular cases, such characteristics are never controlled by general norms affecting more than one municipality.

B101. In Spain no mechanism exists to monitor the degree of performance of the provisions contained in the general type planning instrument. Control is exercised by the granting of various types of licence, as detailed in Section B (Main permits and other permits). Nevertheless, as a result of the approval of the 1990 *Ley del Suelo*, a planning management mechanism has been established which supposedly obliges compliance with certain time periods for the acquisition of certain rights. The administration is now able to impose sanctions for the non-compliance of time periods provided for in the planning instrument and, as a subsidiary, in the *Ley del Suelo*.

B102. All the documents which make up any general type planning instrument are public in nature, being accessible in the relevant town halls. In some municipalities, a document known as the *Cédula Urbanística* can be issued. At the request of any interested person, normally the developer or owner, all the urban circumstances which affect a specific piece of land are stated in writing. The information contained in this document usually has a limited legal effect, particularly in terms of time.

An example of a general type planning instrument — *Plan Geneneral de Ordenacion Urbana de Valencia*.

B103. A *Plan General* is the most comprehensive land planning instrument of a general character. This example looks at the *Plan General* for Valencia in which the case for development on a piece of undevelopable land would be made and subsequently elaborated through a programme and a more detailed plan.

B104. The main purpose of this strategic plan was to determine the general model for the development or growth of Valencia. To this end the broad locations of land uses and the characteristics of the main infrastructure and facilities are established. Obligations for both public and private investors are also determined. The natural spaces within the municipality which are to be protected from urbanisation are identified and the limits to development of historic areas are specified through various protection plans. The plan will also design special mechanisms to ensure that development on urban land can occur with the infrastructure being provided at no net cost to the municipality. Any construction taking place within the municipality will have to comply with these norms.

B105. Whilst the duration of the plan is indefinite, it does specify two four-year programmes in which all the envisaged actions should be designed and budgeted for. As with many cities in Spain the production of a *Plan General* has been subject to long, slow and laborious administrative processes. This in part is due to legal and administrative changes which occurred in Spain during the 1980s. Development in Valencia was covered by a *Plan General* dating from 1966, this was produced by the *Gran Valencia*, an administrative body comprising Valencia and the surrounding 29 municipalities. In 1980 the *Gran Valencia* made the decision to revise the *Plan General*. In 1982 the *Gran Valencia* further decided that it should delegate responsibility for strategic plan-making to each municipal government, and by 1986 this metropolitan body had completely disappeared and all planning competencies had been transferred to individual municipalities. In 1983 Valencia took its first steps towards revising the *Plan General* by adopting a *Proyecto de Delimitacion de Suelo Urbano* and five *Planes Especiales* to protect Valencia's historic areas. In 1984 formal work started on the plan with the creation of an administrative office responsible for

its development and the adoption of agreed criteria and objectives following public consultation. By 1985 a draft *Plan General* was subject to consultation and by 1987 the first 'initial approval' of the plan led to the suspension of any building permits where the old and new plans did not coincide. Further consultations followed before the plan received 'provisional approval'. This meant that most issues had been resolved and by 1990 the plan in its entirety had 'definite approval'. All the open or unresolved issues were therefore agreed. From 1992 until 1994 whilst the plan appeared to be correctly implemented it was in a constant state of revision and adjustment to ensure that changes in national and regional laws, predominately concerned with implementation mechanisms were reflected in the *Plan General*.

B106. The current plan whose operational phase dates from 1988 is being properly implemented. Two large areas of developable land are being developed and five revised plans for the historic areas have been approved in accordance with the principles set out in the *Plan General*. Any decisions by either public or private investors in Valencia now has to comply with requirements set out in the plan.

B107. Control over monitoring and implementation is exercised by the public administration by the approval of detailed planning or implementing instruments and the concession of major/minor building permits that comply with the plan. Furthermore the plan has a public character which means it can be consulted by any citizen at the town hall.

B108. The *Plan General* forms the framework to which lower level planning instruments must comply and when the new regional planning instrument is finally approved the *Plan General* will have to be revised because regional planning is binding on all lower tier plans.

Normas Complementarias y Subsidiarias
(complementary and subsidiary norms)

B109. In a hierarchical organisation of planning instruments such as that found in Spain, the *Normas Complementarias y Subsidiarias* occupy the same hierarchical level as the *Planes Generales* which they complement or substitute for.

B110. The following can exist:

- *Normas Complementarias* (complementary norms) of the *Planes Generales*, which regulate those aspects which are not provided for or developed in the plan. They can never amend the classification of land nor alter the plan.
- *Normas Subsidiarias* (subsidiary norms). These can have two different objectives:
 - Either to establish a normative of general character for the totality or part of the province. These normative affect any municipalities where no *Plan General* or Subsidiary Rules of a municipal character exist. They apply across the province and should be applied in any municipality lacking its own planning instrument. This type of *Normas* is rarely used.
 - Or to define specific urban planning zones of those municipalities which do not have a *Plan General*. They apply in the areas specified and serve as the integrated planning instrument for small municipalities through the classification of land. It establishing all or some of the following classes: urban, developable and undevelopable and which may be, where appropriate, protected.

B111. The adoption of a resolution for the drawing up one of these *Normas*, their scope and contents rests with the local authority or provincial corporation, depending upon the type of *Normas* in question. With respect of the review and amendment of these documents this is the same as the *Planes Generales* (see paragraphs B88 and B92).

B112. The decisions to be made for each type of land has a similar character to those contained in paragraphs B86, 87 and 89, with the notable exception that land capable of urbanisation lacks any programming. Appendix 9 contains a table which reflects current urban planning instruments according to size of municipality, in 1992. For policy production, practice, monitoring, linkages and sources of these type of planning instruments, see paragraphs B92 to B95. It must be recognised that, in the case of norms of a provincial character, when mention is made of a local authority, this means the provincial corporation.

Proyectos de Delimitación de Suelo Urbano,
(urban land delimitation projects)

B113. Given that the law obliges all local authorities to prepare planning instruments of the general type then, *Proyectos de Delimitación de*

Suelo Urbano (urban land delimitation projects) can be drawn up. As can be seen from the table which appears in Appendix 9, some 25.64 % of Spanish local authorities were governed by this type of instrument in 1992, through some 35.53 % still lacked any form of planning instrument.

B114. Although the life of these planning instruments is indefinite, given the particular character of the instruments discussed in this section, they can have a shorter life when they are drawn up with a temporary character. It is for the local authority to adopt a resolution calling for the preparation of the urban land delimitation project within the municipal district. The geographical coverage of the instrument is detailed by the document drafted.

B115. The fundamental objective of the instrument is to limit the possibility for development in those municipalities which lack the obligatory general type planning instrument. The land which remains outside the perimeter classified as urban will not be capable of urbanisation and, therefore, will remain excluded from the process of growth. In addition there is also the possibility of special protection if it is considered necessary.

B116. For policy production, and other characteristics, and, due to the fact that this instrument substitutes for *Plan General*, conditions related to the *Plan General* can be studied.

Detailed type planning instruments

Programas de Actuación Urbanística (PAU) (urban actuation programmes)

B117. The provisions concerning the *Programas de Actuación Urbanística* are brought together in the same documents of those of the planning instruments already described. The geographical coverage of a *PAU* is that sector of non-programmed land which is capable of urbanisation or developable. The life of this planning instrument is reduced to the time period needed to begin the development of the identified land.

B118. The objectives of this document are:

- to draw up a general systems of infrastructure for this land;
- indicate uses and levels of intensity;
- fix the development guidelines within the planned area;

- design the complete layout of all the infrastructures necessary for its development; and
- if it is considered necessary, divide the zone into its development by stages.

B119. The early programming of a particular sector of land will always take place provided that there is a coexistence of interests between both private initiative and the administration, and this normally results in the obtaining a larger number of concessions for the development. This planning instrument is used on those occasion where public or private initiative takes the view that it would be interesting to develop a specific area of municipal land before its logical appearance, according to the programme established in the *Plan General*, on the market.

B120. *PAU*'s can be proposed by enterprises, other than landowners, always selected in open competition. These enterprises are the beneficiaries of compulsory purchase, and so, become landowners once they have paid the relevant compensation.

B121. The *PAU* may be drawn up by local authorities or by other bodies who have competence in urban matters including developers who have been awarded the contract in the open competition. The control and compliance with the terms that have been fixed in open competition for the *PAU* is carried out by the local authority responsible for planning in the municipality. The procedure for the production of the *PAU* is similar to that for general type planning instruments, as previously described.

Plan Parcial (detailed plan)

B122. The *Plan Parcial* is a *Sector de Suelo Urbanizable Programado* (sector of programmed developable land) under the *Plan General*, or a *Sector de Suelo Apto para Urbanizar* (sector of land suitable for urbanisation) under the *Normas Subsidiarias* (subsidiary norms) of the municipality. Where development is desired in a sector of non-programmed developable land, that is to say, a sector of the land where, in the programming of the plan, no provision has yet been made for its entry into the market, then a *PAU* will have to be drawn up.

B123. The peculiarity of these planning instruments is that the agreement for them to be

drawn up can be made either on the basis of private initiative (meeting those time periods provided for in the *Plan General*), or by the local authority, for those sectors of land capable of urbanization which are of especial interest for the authority in question to develop. Development planning instruments, which including *Planes Parciales*, can thus be formulated upon either private or local authority initiative. This does not mean that it is their technicians who must draft the document, although they must always oversee this process.

B124. As with other plans in Spain, the *Plan Parcial* has an indefinite life. Because of the immediately applicable character of these planning instruments, the possibility of amending them is not usually considered and in no case are they reviewed.

B125. Once this detailed planning instrument has been approved by the local authority which initiated its drafting, it is made available for one month's public consultation. This period is advertised in the appropriate medium (official gazettes and newspapers). In circumstances where the plans have been drawn up based on private initiative, then the time-period to grant or refuse initial approval of the document shall be three months from the time when all the documentation is lodged in the Municipal Register.

B126. Following this period of public consultation, the local authority will give its provisional approval, reflecting any amendments that have resulted from consideration of the objections raised during the period of public consultation. If the amendments are substantial, then a new period of public consultation of one month will be held prior to provisional approval being given to the document. The period for granting provisional approval, from the date from which the initial approval was given, shall not be greater than one year under any circumstances.

B127. In the case of municipalities which are also provincial capitals or have populations of more than 50 000, approval rests with the local authority, which must have previously requested a non-binding report from the competent autonomous body. This report shall be understood as favourable if it is not issued within one month. For other municipalities, the final approval rests with the autonomous community, and for this purpose the local authority must submit a file within the established time period.

B128. This planning instrument, together with the *PAU* and the *Estudios de Detalle* gives private initiative the greatest possibility of collaborating with the administration in drafting planning proposals.

B129. The characteristics on sources of information, linkages and monitoring are the same as those of *Planes Generales*.

Planes Especiales (special plans)

B130. These plans serve to develop both the provisions contained in the *Planes Territoriales* (territorial plans) and the *Planes Generales*. With the first case, the existence of a *Plan General* is not necessary. The adoption of the resolution to draw up a document of this type corresponds, in the case where they develop themes contained in territorial plans, to the entity or body which considers the drafting of such documents appropriate and, in the case where they develop provisions contained in the *Plan General*, to the local authority.

B131. Consequently, the geographical coverage of *Planes Especiales* differs according to their objectives. *Planes Especiales de Protección* (Special Protection Plans) have a remit which extends to the surface that is under protection. They can take the form of:

- *Planes Especiales de Protección del Paisaje*, for landscape protection;
- *Planes Especiales de Protección de Infraestructura*, concerning the protection of land adjacent to roads, railways, and so on;
- *Planes Especiales para la Mejora del medio Urbano o Rural*, to improve the urban or rural environment;
- *Planes de Saneamiento*, for the drainage or sanitation of a piece of land;
- *Planes Especiales de Protección*, for special protection, or *Planes Especiales de Reforma Interior*, for reform inside urban land.

B132. The objectives of the *Planes Especiales* vary according to the type of plan in question, as follows:

Planes Especiales which develop the provisions contained in the *Planes Territoriales* consider:

- the development of the basic communication infrastructure;
- the planning of historical-artistic sites and districts, the protection of the countryside, and communication routes, land, subsoil, rural environment, etc.

Planes Especiales which develop the provisions contained in the *Planes Generales* or *Normas complementarias y subsidiarias de planeamiento* consider:

- the development of general communication systems and facilities;
- the internal reform of urban land;
- the protection of historical-artistic sites, countryside and communication routes;
- drainage in urbanised areas;
- the improvement of the urban, rural and natural environment;
- any other relevant objectives.

Planes Especiales in the absence of a *Plan Territorial* or *Plan General*, or where these do not contain the appropriate provisions and in areas which represent a unit which, of itself, merits them, consider:

- the establishment and coordination of basic communication infrastructure, facilities, supply, drainage, etc., always assuming that prior definition of a territorial model is not necessary;
- the protection, listing, conservation and improvement of natural spaces, of the countryside and the physical rural environment, of the urban environment and of its communication routes.

B133. In the case of *Planes Especiales* which develop the specifications of a *Plan Territorial*, the administrative procedures for these documents will be the same as for general type planning instruments, whilst, the administrative procedures for *Planes Especiales* which develop determinations of a *Plan General*, will be identical to those for *Planes Parciales*.

B134. These planning instruments, with respect to both their territorial and urban aspect, are of

great interest because they have allowed for the conservation of a large part of the historical-artistic heritage of Spain's cities and, indeed, pioneered in the protection of typical natural areas. Use has been made of these plans above all in the production of *Planes Generales* during the 1980s, especially for the protection and internal reform of the old parts of Spanish cities. Much less, indeed limited, use has been made of *Planes Especiales* drawn up with the aim of protecting larger areas, although a significant number of *Planes de protección de Espacios Naturales de Interés* exist, fundamentally for the protection of sierras, mountain ranges or other valuable eco-systems.

B135. A matter to be considered separately, because of its special interest, is the fact that these plans contribute high levels of passive protection by impeding the execution of specific activities or demolitions. High numbers of listed buildings are protected under these instruments. However, they do not provide funds or other type of measures which contribute to the active protection of these buildings or of these areas.

B136. In this sense, Spanish legislation is exhaustive in its determinations but totally deficient in support mechanisms for putting these determinations into practice. This has resulted, on a multitude of occasions, in listed buildings protected under *Planes Especiales de Protección*, falling into ruin.

B137. As mentioned earlier, no control mechanisms exist to monitor the degree of performance of provisions contained in planning instruments. These provisions fundamentally reflect the terms under which the building licence is granted. Having said this, Spain is also a country where public action can be exercised by any person. This action is particularly frequent in the old parts of cities where the residents are the first to be interested in the maintenance of these areas and respecting the levels of protection and/or listing contained in the plans.

An example of a detailed planning instrument — *Plan Especial de Protección y de Reforma Interior del Barri del Carmen (Valencia)*

B138. This is an example of a detailed planning instrument that relates to one of Valencia's historic quarters. It complies with all the norms contained in Valencia's *Plan General* and is con-

cerned with the protection of historical heritage (PAU T Plan Parcial, no Plan Especial).

B139. Valencia's historic core is one of the biggest in Europe. It contains five discrete areas, each with their own characteristics. The 1988 *Plan General* has as one of its main aims the restoration of the *Ciutat Vella* (old city), though the precise approach was left to the five Special Plans approved for the sectors of the historic core in 1982/83. These special plans were strong on conservation and preservation principles but weak on mechanisms to fund rehabilitation. As a result many owners allowed their buildings to fall into such a state of disrepair that they were able to get demolition permits and thereby create new building plots. In order to try to tackle this issue and improve the level of infrastructure provision in these historic areas the administration decided to develop new special plans which combined protection with inner area reform.

B140. This traditionally had been the quarter inhabited by craftsmen with workshops on the ground floor and residential accommodation above. Poor facilities has led to the gradual abandonment by the residential population and the ground floor areas have been increasingly used for night time activities (bars, clubs, restaurants, etc.). The vacant residential properties have accelerated the process of building decline, obliging even the ground floor uses to abandon the area.

B141. The plan has an indefinite life and can be revised whenever the circumstances demand and so long as it is in the interests of the municipal council. The plan has two main objectives; to maintain the characteristics of the historic building and urban form; and at the same time reduce the amount of land being occupied to create a less dense and more pleasant environment for the users of the area. The plan is to be used by public and private bodies alike. Indeed both the regional and local administrations are engaged in projects designed to improve local living conditions and attract private investors to the area. Mandatory norms relating to planning conditions, the characteristics of buildings to be maintained, the materials to be used in the reconstruction or rehabilitation, buildings to be preserved and other conditions to be respected are all specified.

B142. The plan was promoted by the municipal council and produced by a team of private con-

sultants. An advanced document was produced in 1989 and initial approval was granted in July 1990. This started the formal process of public consultation, and definitive approval of the plan occurred in June 1991. The plan became fully operative in October 1992 when the norms accompanying the plan (one set for all five historic zones) were published in the official bulletin. These norms which relate to the development of actual schemes must be applied equally in Valencia's five historic quarters even though the economic and social conditions are very different. The plan on the other hand provides the basis for taking decisions in relation to the investments to be made by the local and regional administration.

B143. Implementation of the plan is exercised by the local administration largely through the mechanism of granting a building permit. Some buildings with more than local significance may in addition require authorisations from regional or central authorities before any work can commence. The plan is freely available to be consulted by the public. Implementation is normally largely a private sector responsibility but because of the run-down nature of the quarter, the public administration is expected to provide some investment for re-urbanisation, the transformation of some large historic buildings for public use, and the rehabilitation or rebuilding of buildings that because of the plan may have to be demolished, for residential purposes.

B144. The plan clearly conforms to Valencia's *Plan General*. It is a detailed planning document for a part of the urban land designated in the aforementioned plan. Any action to be taken within the remit of this plan can occur through a *Estudio de Detalle* the lowest tier of plan-making in Spain, which must comply with this special plan.

An example of a special type of planning instrument to protect natural spaces — *Plan Especial de Proteccion de la Albufera, (Valencia)*

B145. This is an example of a special protection plan for La Albufera in the Autonomous Community of Valencia. *Decreto 89/1986* had designated this important regional wetland area as a natural park and also prescribed that a special plan and a management plan should be prepared. Many of the most important problems facing the natural park of La Albufera was related to urban development on the coastal fringe. Most of the

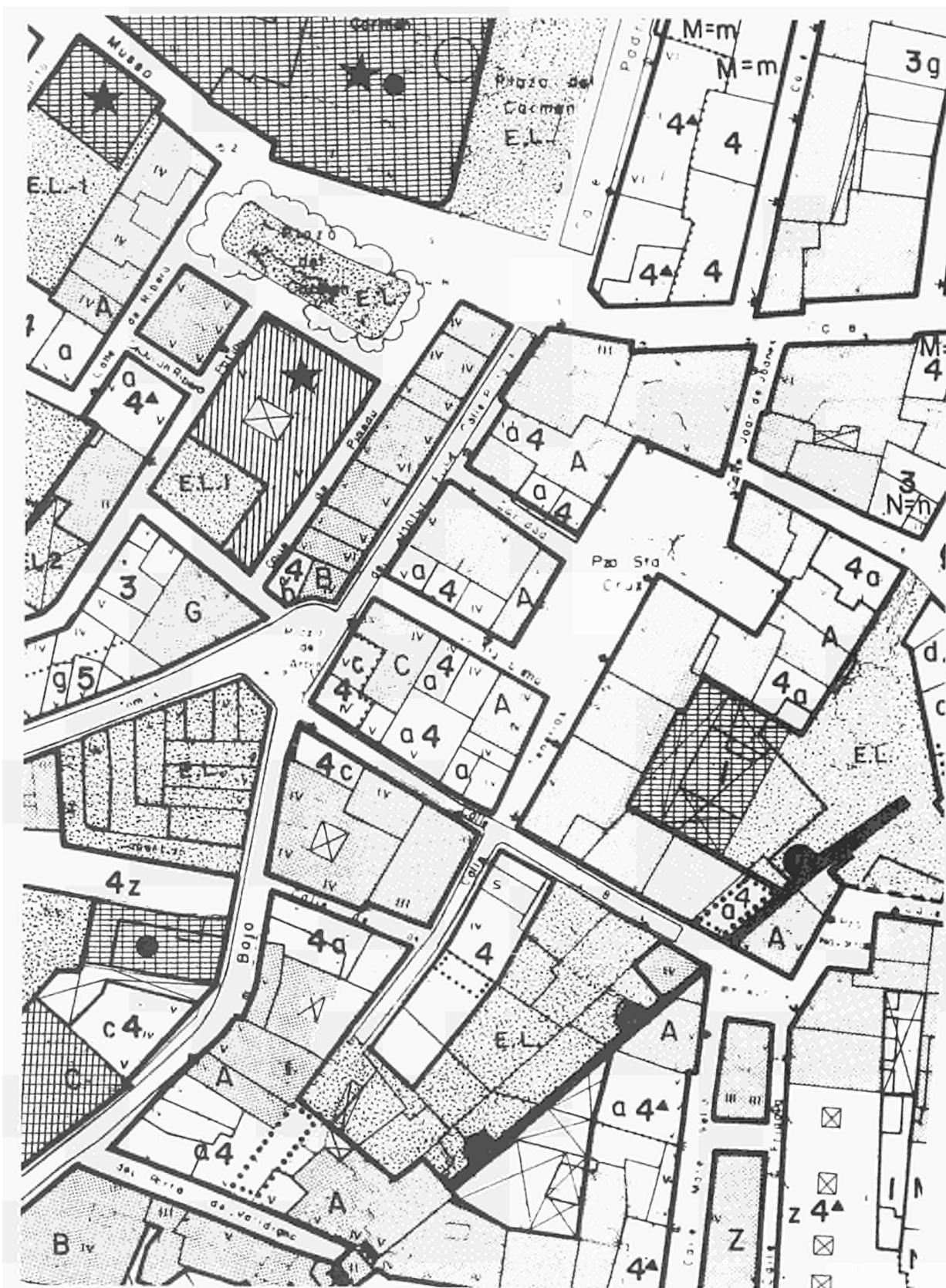


Figure B5 - Plan Especial Barri del Carme



Proposed external alignment



Proposed internal alignment



Unbuilt land (court or yard)

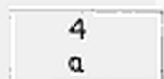


Street-level passageway



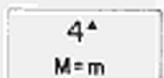
Change of height or change of planning regime

Alignment of facade



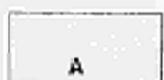
Approved number of floors

Height of cornice equal to that of the protected building referred to by the same letter in the street or block of buildings.



The black triangle indicates the number of floors in the building at the time of replacement

Height of cornice equal to that of the building it replaces



Building proposed for protection

height of cornice of protected building



Educational facilities



Public services

* Protected non-residential unit.

○ Public service used for private purposes



Green spaces

E.L.

Public garden

E.L. 1

Garden attached to a public building

E.L. 2

Private garden



Protected moorish wall

Gates

Structurant actions

Portal Nou - Plaça Sant Jaume

AS.21 AS.13 AS.23 UA.3 UA.1 UA.4
UA.12 AS.17 AS.30 AS.11 AS.26 UA.13

Archaeological walk along moorish walls

UA.6 UA.7 UA.8 UA.10 AS.3

"Carrer de Quart" Axis

AS.5 AS.22 AS.29

Regeneration of degraded areas

Inner mediaeval city

UA.16 AS.1 AS.31 AS.25 AS.27 AS.28

Outer mediaeval city

UA.5 AS.6 UA.11 UA.2 AS.16 AS.18 AS.19 AS.24

Pobla Vella de Roters - Convent del Carme

UA.21 AS.20 AS.14 UA.15

Carrer de la Corona - Carrer de la Ripalda - Carrer de la Beneficència

UA.18 AS.7 AS.9 AS.10 AS.12

Re-qualification of Espais de la Ronda

"Guillem de Castro" Axis

UA.26 AS.15 UA.22 AS.11 AS.32

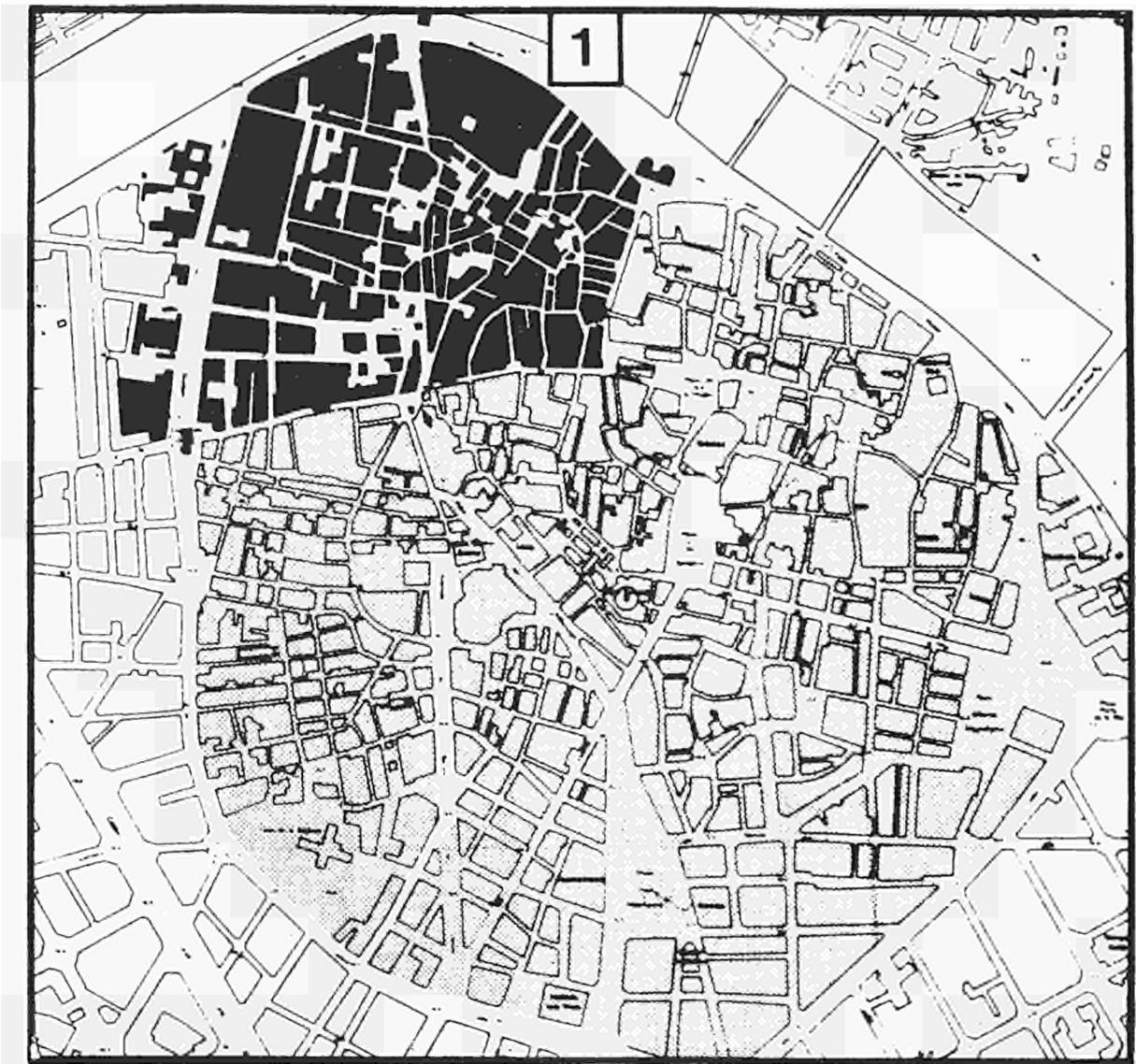


Figure B7 - Plan Especial Barri del Carme
The quarter subject to the plan.

coastal fringe and dune areas in the park are within the municipality of Valencia. Early detailed plans dating from 1965 for the municipality had agreed to the development of 163 hectares of coastal land. Whilst some development was permitted the views of the municipality slowly began to change and in 1978 they began to produce a special plan of their own in order to prevent further development. This plan was finally approved in 1982. It reflected the value placed on this wetland habitat by Valencia before the designation of the natural park and proved an effective means of protection. Other municipalities did not show the same foresight and formal protection for these areas was not forthcoming until the late 1980s. The other primary threat to the area related to agricultural practices, and in particular the long-established tradition of reclaiming wetland mainly for rice cultivation. Finally the national value of this wetland habitat was acknowledged in 1990 when the Spanish Government declared it a Wetland with International Importance under the 1971 Ramsar Agreement.

B146. The *Plan Especial* covers 21 120 hectares in 13 municipalities. It is located between the river basins of the Turia to the north and Júcar to the south and is bounded by the Mediterranean to the east. It is a plan which is binding on all the municipalities who have land within the boundaries of the natural park. They in turn must revise all their plans of a general nature to conform with the specifications of the special plan, particularly in relation to relevant undevelopable land. The *Plan Especial* has an indefinite life and there is scope to revise the plan whenever it is considered appropriate.

B147. The main objective of the plan is to establish a set of generic norms to delimit the Park according to the principles set out in *Decreto 89/1986*. This was to be largely based on a territorial structure which was sufficient to protect the wetland areas whilst at the same time respecting the needs of traditional activities, mainly agriculture. The plan also provides a framework for the coordination of all plans and programmes of a sectoral or other nature which impact on the Park. It identifies areas for special protection and sets specific provisions to control infrastructure or building development or other activities taking place with the park. Special plans also contain special provisions on water resource management. These relate to preventing industrial agricultural or urban waste water contaminating the area. From an environmental perspective it con-

tains measures to protect the dune system and encourage more traditional patterns of agriculture.

B148. The plan was produced for the Autonomous Community of Valencia by a private professional team (EPYPSA) chosen through open tender. Work started on plan production in 1987. At this stage the situation of land designation throughout the park varied according to different municipal plans. Most of the land was classified as undevelopable, but unprotected and indeed there were small parcels of land where urban uses, primarily for housing and located on the coast, were permitted. In July 1987 the *Normas de Coordinación Metropolitana* (Metropolitan Co-ordination Norms) were passed. This required all the municipalities in the metropolitan area of Valencia to comply with all specifications for land-use as laid out in the *Plan Especiales* once approved. Following initial and provisional approval and the relevant periods of public consultation, final and definitive approval was granted in October 1990. From that moment its determinations were binding on the administrations and citizens living within the boundary of the park. All plans of a 'lower' level must now comply with the determinations of this plan.

B149. Monitoring of the plan's objectives is both the responsibility of a technical team attached to the natural park and all the municipalities whose decisions must be in accordance with the provisions of the *Plan Especiales*. Periodic inspections identify any development that has not been authorised and owners without permits will be required to demolish such buildings without the opportunity to legalise the development.

B150. As well as these negative powers of control, a special plan should be accompanied by an action programme lasting for six years. A series of sub programmes are defined depending on priorities and the availability of resources. Actions included within this special plan have included the regeneration of beaches in the 'Pinedo Zone,' development of a restaurant zone, the demolition of an old maritime sidewalk 'El Saler' and the removal of parking areas on the shoreline.

Other instruments

Estudios de Detalle (detail studies)

B151. The geographical coverage of an *Estudio de Detalle* is normally a sector of urban land which

is subject to the end of, or adaptation to, the determinations established in the *Planes Generales* on urban land and in the *Planes Parciales*.

B152. Given that the use of this planning instrument supposes the alteration of certain physical parameters contained in the approved plan, amendments to this instrument are unlikely because the developer will have a sufficient knowledge of his own requirements when he requests it. *Estudios de Detalle* can never alter the basic parameters of the approved planning instruments, one of which is the determination of use. Similarly, it can never cause prejudice to or alter the conditions of adjoining properties.

B153. The objectives of an *Estudio de Detalle* are:

- the definition of alignments and levellings, and/or
- the planning of volumes in accordance with planning specifications.

B154. This planning instrument is used quite frequently to carry out activities of the medium type (in terms of size), on urban land where the developers, normally for market-based reasons, prefer a design where the physical configuration of elements of the site are different from those contained in the approved plan. This type of planning instrument is, in the great majority of cases, the result of a private initiative. *Estudios de Detalle*, even when they are private initiative, must be initially approved by the local authority within a period of three months. Once they are initially approved, they are made the subject of public consultation for 15 days. Advertised in the corresponding official gazette and newspapers. During this time any presentation of objections will be accepted. Drawing on the results of this period of public consultation, the local authority will grant final approval, with pertinent amendments having been made. Having been granted final approval, this planning instrument is capable of immediate implementation.

B155. The implementation this planning instrument is normally immediate, given that the developers seek to use it. In principle, no problem should arise in the administrative procedures for the granting of licences.

Proyectos de Urbanización (Urbanisation projects)

B156. *Proyectos de Urbanización* are not planning instruments as such, but rather construction

projects. Nevertheless, the law includes them within the scheme of activities to be controlled and developed within the schemes of planning systems.

B157. The geographical coverage of any *Proyecto de Urbanización* is that sector of land capable of urbanisation, or of urban land which requires to be serviced in order for it to acquire all those services which allow it to be considered as a 'plot' and its subsequent or simultaneous development.

B158. Amendments to *Proyectos de Urbanización* are not frequent, unless specific circumstances arise resulting from the activities of the administration in the period of time between its drafting and the beginning of its execution (for example the widening of a communication route within a State programme, which may impact on the land that is subject to urbanisation), or the appearance of any physical conditioning factor not contemplated at the time the project was drafted (for example land quality not apparent in the geotechnical study carried out, subterranean water, etc.).

B159. The fundamental objective of these instruments is to put the general planning objective for urban land into practice and to develop *Planes Parciales*. They must detail and programme the works that they cover. The *Proyectos de Urbanización* must respect all the planning determinations approved in the development area. The only adaptations which are permitted are those required by the material execution of the works.

B160. This is a commonly used document, because in Spain the prior or simultaneous urbanisation of the land in question is obligatory before there can be construction upon it. These projects can be drafted by the local authority or private initiative. They should always be drafted with sufficient time so that the works which they include can be carried out in accordance with the time periods provided for in the relevant plan.

B161. The administrative procedure which applies to them is identical to that for the *Estudios de Detalle* (see paragraphs B135 and 136). In this case, control over the execution of the project is not only carried out by technical staff from the developers and the building company, but also from the local authority, as well as various service supply companies. This is because the urbanisation work, once finished, is transferred to the local authority, with the service supply com-

panies receiving the infrastructure network installed by them for their exploitation.

B162. In this sense, the level of control is total, not only with respect to the layout and definition of public spaces, private spaces, etc., but also to the characteristics of the materials used (capacity and quality).

Catálogos (protection by listing)

B163. The provisions concerning *Catálogos* are defined in same laws as those of other planning instruments. The geographical coverage of the listing is the immediate environment or area necessary for the protection of the proposed element, often identified in *Planes Generales*, *Planes Especiales* or *Normas Complementarias y subsidiarias* of the document in question. Like any other planning instrument the life of the *Catálogos* is indefinite.

B164. The fundamental objective is the protection of those elements (buildings, monuments, gardens, countryside, etc.) contained in the *Catálogos*. This type of document is used a great deal, particularly in *Planes Especiales de Protección*. With a *Catálogo* which is linked to any planning instrument, its production and the administrative procedures associated with it will be the same as for corresponding instrument (*Plan General*, *Plan Especial* or *Normas Complementarias y Subsidiarias*). These have been detailed before.

B165. In the case of a *Catálogo* not contained in any of the abovementioned planning instruments, it will face administrative procedures, approval and publication in accordance with the rules established in the *Planes Parciales*, (see paragraphs B117 to 119), and is immediate applicable once it has received final approval. The control mechanism to monitor the degree of performance of the provisions contained in the *Catálogo* depends not only on the corresponding Departments of Planning and Licensing of the local authority, but also the Department of Ruins. The lamentable state in which the great majority of the buildings included in the *Catálogos* are found should not be underestimated. Indeed, in many cases, the very limited effectiveness of the disciplinary measures imposed by the local authorities has resulted in many of these buildings falling into further ruin.

B166. The *Catálogos* are not planning instruments as such, but they usually form a part of

them. Their relationship with the other instruments is not of a hierarchical nature but one of inclusion, whether in *Planes Generales*, *Planes Especiales* or *Normas*. They have the status from the nature of the document of which they form a part.

B167. The land and buildings which are declared to be of cultural interest (*BICs*) are governed by specific national legislation (*Ley del Patrimonio*) which must be respected in the drafting of the *Catálogos*.

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación Urbana, 1992. Real Decreto Legislativo 1/1992*, 26th. June. Official Gazette of 30 June. Regional legislation can be found in Appendix 1.

Development rights

B168. The process of the acquisition of development rights begins with the approval of the specific planning instrument that is necessary in order to develop a given portion of land. In Spain development rights are conferred by the plan. Land ownership fixes development powers but land can be compulsorily acquired. Where fixed time periods exist in the planning, then compulsory purchase powers prevail over individual development rights. Figure B8 summarises the process for acquiring development rights on each possible type of designated land.

B169. Starting from the most generic case, with the existence of a general type planning instrument, and the aim of building on land which is classified in the plan as non-programmed developable land. The sequence of events is as follows:

- the granting of final approval and awarding of the contract under the open competition of the *PAU*, ensures that the land in question becomes programmed.
- the drafting and final approval of the *Plan Parcial* and, as appropriate, of the *Estudio de Detalle* and/or *Proyecto de Urbanización*. This grants the right to develop, though this right is lost if the time periods fixed in the plan or in the corresponding regional legislation are exceeded.
- application of the management system provides for the compliance with the time periods for the assignment of public equipment and

Figure B8 Land classification rights

LAND CLASSIFICATION	DEVELOPMENT CONDITIONS	BURDENS AND BENEFITS DISTRIBUTION		BUILDING OWNERS RIGHTS		OWNERS OBLIGATIONS	ACQUISITION OF RIGHTS BY OWNERS
URBAN LAND	FULLY DEVELOPED	DISTRIBUTION AREAS/S	CONTINUOUS EXECUTION UNITS/ DISCONTINUOUS EXECUTION UNITS/ PROFIT TRANSFERS	0.85 AVERAGE PROFIT = 0.85 LUCRATIVE PROFIT/TOTAL AREA - PUBLIC FACILITIES ALREADY EXISTING	1 M ² /M ² IN ABSENCE OF ANY PLAN	<ul style="list-style-type: none"> • EDITING, PROCEDURE AND DEFINITIVE APPROVAL OF THE MOST SPECIFIC PLANNING INSTRUMENT IN EACH LAND TYPE • FULFILLMENT OF OBLIGATIONS: COMPULSORY FREE DEDICATIONS, PROFIT DISTRIBUTION, AND EXECUTION AND PAYMENT OF URBANIZATION ON TIME 	→ RIGHT TO DEVELOP
	DEVELOPING PENDING						→ RIGHT TO URBAN PROFIT = 0.85 AVERAGE PROFIT
DEVELOPABLE LAND	PROGRAMMED OR INCLUDED IN AN "URBAN ACTUATION PROGRAM"	DISTRIBUTION AREAS = DEVELOPMENT SECTORS BELONGING TO A SAME PROGRAMMING PERIOD	EXECUTION UNITS	0.85 AVERAGE PROFIT = 0.85 LUCRATIVE PROFIT/ TOTAL SECTOR AREA INCLUDING GENERAL PUBLIC FACILITIES		<p><u>MANDATORY (PUBLIC FACILITIES)</u> URBAN LAND 15% A.P. LAND DEVOTED TO ROADS PUBLIC PARKS AND GARDENS, EDUCATION CENTRES.</p> <p><i>PROGRAMMED LAND</i> URBAN + PLAY AND SPORTS AND OTHER SOCIAL FACILITIES</p> <p><i>NON PROGRAMMED</i> PROGRAMMED + PROVIDED BY THE PROGRAM</p>	→ RIGHT TO BUILD
	NOT PROGRAMMED	DISTRIBUTION AREA = U.A.P. AREA		0.85 AVERAGE PROFIT OF THE U.A.P.		<ul style="list-style-type: none"> • APPLICATION ON TIME OF BUILDING PERMIT AND GRANTING OF IT • ENDING OF WORKS WITH NON-EXPIRED PERMIT AND ACCORDING TO PERMISSION 	→ RIGHT TO THE BUILDING AND INSCRIPTION IN PROPERTY REGISTRY
NON DEVELOPABLE LAND	NORMAL	NONE					BUILDINGS INCLUDED IN ARTICLE 16 OF LAND USE LAW OF 1992
	PROTECTED						

SOURCE

INFORMATION: LAND USE LAW 1992. OWN

facilities, distribution of charges and benefits between the affected owners, and development within the fixed time period. The right to 'urban profit' on development value is shared between the landowners, who take 85% of the 'type' or 'average' use value of the full development area, and the local administration which obtains the remaining 15% to use as a mechanism to regulate the property market, and to recover part of the betterments generated in development process.

B170. This right is reduced to 50% of the average value if no municipal permit is sought in the time period fixed by the relevant urban plan or legislation. In the absence of an express provision, the time period shall be two years from the final approval of the relevant planning documents.

B171. If the land in question is already urban, then the time period of two years will be counted from the time when the relevant land acquires the condition of 'plot'.

- The granting of the building permit accompanied by a project, in conformity with the applicable development legislation. This grants the right to build, though the acquisition of this right is conditioned by compliance with the obligation to urbanise.

The terms of the granting of the permit will fix the time periods for work to begin, the maximum time when work can be suspended, and the time when the work must be completed. The right to build is foregone if the fixed time periods are not complied with.

In circumstances where the right to build is extinguished, the administration will take over the land in question by compulsory purchase or agree to its forced sale, valuing the land at 50% of the development use for which the permit was obtained, and valuing the work executed to date according to its cost of execution.

- The completion of the works under a current permit and in accordance with urban planning confers right to the building. The acquisition of this right empowers the owner to register the building and to make the appropriate *Declaración de Obra Nueva* (Declaration of New Works) in the Property Registry.

B172. The acquisition of each one of the above-mentioned rights, which are always conferred by the approval of plans, is always subject to compliance within the specified time periods or, in

their absence, by the law (see paragraph B156). Non-compliance with these time periods results in the loss or diminution of the right on the part of the owner and, as a last resort, in the compulsory purchase or forced sale of the land or buildings already completed on the land.

B173. The size of the operation is of no significance either for the successive acquisition of rights or their loss. However, large-scale developments which require the joint management of land belonging to a large number of owners might more easily lead to prescribed time periods, given the difficulties in reaching agreement between all the affected owners.

B174. Different landowners included in an *Area de Reparto* (urban profit distribution area), are obliged to yield land in order to provide the 15% of urban profit obtainable from the area. Urban profit is calculated in terms of the total square metres that can be built within the limits of the area following specifications set in *Plan General*. Where there are different possible uses (residence, industry, etc.), the *Plan General* must contain a series of coefficients that relate these different uses with ones considered as 'characteristic' of the area. In the *Proyecto de Rearcelación* or *Proyecto de Compensación*, and, once urban profit is distributed between owners, the 15% of urban profit pertaining to the municipality is located on buildable pieces of land.

B175. Should there be no possibility of making a proper *Proyecto de Reparcelación* or *proyecto de Compensación*, 15% is paid to the administration as cash. A calculation of the amount of money to be paid is established through an evaluation of the pieces of buildable land that should have been yielded.

B176. Whatever area of the land that represents 15% of its 'type of use' is granted to the administration and it becomes part of the municipal patrimony and used for property operations that need to be carried out by that administration. This can either be for the construction of government-backed housing schemes or for their introduction onto the market. The administration will subsequently invest the amount accruing from these operations either through the purchase of more land in other areas or in the construction of houses, again in other areas.

B177. Another tax proper to any development process, but one which is not quantifiable given

that it varies according to the size of the operation and to the type of land on which it is carried out (urban or developable), is the assignment of all those items of public equipment and facilities necessary to provide services to the development and the other costs associated with the urbanization works necessary to put the operation fully into service.

Source for Section B. Policy instruments and development rights: Texto Refundido de la Ley del Régimen del Suelo y Ordenación urbana, 1992. Real Decreto Legislativo 1/1992, 26 June. Official Gazette of the 30 June. Regional legislations specified in Appendix 6. Municipal building norms or ordinances.

C. Regulations and permits

Overview

C1. The Spanish planning system is one in which development rights are acquired by way of the plan. This is a document with a legal character and, therefore, binding in its nature. The drafting of such documents is obligatory for all municipalities.

C2. This actually means that there is no system of 'permits' in Spain. Permits should be considered as being more like 'consents'. They are given either for the development of those planning instruments which might come from private initiatives, but must always respect the provisions contained in the general type planning instrument, or alternatively, in the last stage of the development of these instruments, where the construction possibilities contained have been conferred upon the area by the plan have materialised in the territory by way of the corresponding granting of permits, once all the conditions imposed by the applicable plans and laws have been complied with. In this sense, the granting of *Licencia de Edificación* (building permit), necessary to prior to any building works in Spain, is the last stage of a long process. It has nothing in common with the system of permits contained in the Anglo-Saxon model. This building permit is also the main and most frequent used permit in Spain.

C3. In Spain all types of building, development or building intervention must be the subject of a prior application for authorisation or permit. Even so-called lesser works (such as the demolition of a partitioning wall or changing the kitchen or bathroom fittings), which are the most common types of work, should only be undertaken following the granting of the relevant permit. However, in many cases, such permits are only obtained in

an a posteriori manner where some form of inspection has discovered that such work is/has been carried out. Apart from construction works, there are also a number of specific activities related to the use of land which require certain type of authorisation or consent prior to their execution. These authorisations must always be in agreement with approved plans and, in the absence of such plans, then in accordance with the rules of general character established for these cases in the *Ley del Suelo*.

C4. In general terms, the situation that exists without exception throughout the country is such that all types of land-use or property transformation require prior authorisation, based on the legally approved planning document. It is only possible to speak, generically, of the absence of authorisation for interior painting and/or papering in houses, though, the external painting of walls and frontages is subject to the relevant permit. In the case of buildings covered by some type of specific protection or included in a protected area, authorisations are obtained from the competent body of the appropriate department of the corresponding regional government.

C5. This section contains a description of the mechanisms used in Spain for the granting of permits and the conditions that must be met in order for them to be granted. More emphasis is placed on the building permit, due to its common use in Spain.

Main permit (*Licencia de Edificación*)

C6. Main permit in Spain corresponds to *Licencia de Edificación* (building permit). This is the

most common permit due to its frequency of use and is also the step that ends the development process started with the plan.

C7. The status of the permit is that of an administrative authorisation to comply with the terms of the approved plan. It has the form and effects of a legal document which gives some rights to the developer in the form of a building permission, but which also obliges the developer to comply with what is specified both in the current plan and ordinances, and the payment of the appropriate fees.

C8. This authorisation extends to all the works considered for an approved project, whenever a project is considered necessary, and to small expansion set by the construction when no project is needed due to the small amount of work to be done.

The duration of the authorisation depends upon nature of the work to be done, and is specified in the permit. This time limit cannot be exceeded and any delays and their causes must be made known to the administration.

C9. The developer must satisfy the administration that all the obligations set out in the plan, or in the *Ley del Suelo*, have been or will be fulfilled either before or simultaneously to building on the plot. One of the mechanisms for ensuring that conditions will be fulfilled is through the deposit of financial guarantees.

C10. An application for a building permit is accompanied by a fee (see Applications for permits). This is a percentage of the overall cost, experts fees and construction costs.

Application for the permit

C11. The normal content of any application for a permit includes;

- the developer of the work;
- the experts who have drawn up the project and who will supervise the work (if relevant);
- the type of work;
- the budget;
- the constructor, who must prove that his Social Security and tax obligations are up to date;
- the estimated time for the execution of the work; and

- the amount of fees and taxes to be paid in advance into municipal funds.

C12. In Spain, given that consent is the final stage prior to development, what is sought must match perfectly with what is provided for in the plan. There is no need to justify its impact, feasibility, environmental consequences, etc. However, an evaluation of the impact on the environment will be necessary before approving those types of activity which are listed in the approved guidelines.

C13. In the case where a permit is applied for which is contrary to the plan or law, then a non-decision cannot be deemed as granting consent. If a developer starts work, then they may be subject to the disciplinary regime imposed by the law.

C14. The costs of granting a permit has two parameters. The permit fee is around 0.5% of the total budget for the development, including the experts fees, and a tax on constructions, installations and infrastructure works, which varies from one municipality to another, but which is about 4% of cost of the items mentioned above. In the case of works which do not require the production of an experts report, the amount of fee and tax is calculated as a function of the budget presented by the constructor who will execute the works. It must accompany the application for authorisation to start construction. The normal process involves the prior payment of both the fee and tax and the completed application form lodged in the Entries Registry of the local authority which has power to grant the permit. The number of submitted forms varies from one local authority to another but is normally four.

Processing a permit

C15. In Spain, development rights are conferred by the plan and thus the procedures described below do not confer rights to owners/developers, but they do authorise the exercising of those rights. In the case of a Major Works Permit (Building), the granting of this permit closes the process of spatial development. There are many types of permits in Spain (see paragraph C32). The following section considers the *Licencia de Edificación* (Building Permit) which is the most frequently used and important permit in Spain. The stages in the processing the permit are summarised in Figure C1.

Major works permit (building)

C16. Once the application has been entered into the Entries Registry, (see paragraphs C11 and 14) it will be sent to the corresponding expert service who will report whether the application corresponds to the provisions specified in the appropriate plans and ordinances.

C17. In Spain, only a single report is produced although information from various municipal services may be required (urban services, fire brigade, heritage, etc.). All the procedures are internal to the local administration and lead to the production of one document in which the application is either granted or refused. If the application is refused then the decision must be justified, normally on the basis of an error in compliance with a specific type of rule which might be of a development nature, or concerning fire protection, or assignments, etc.

C18. Once the expert report has been produced, it is sent to the planning committee of the local authority who must pass a resolution granting and/or refusing permission. The application is finally ratified by a full session of the local council.

C19. The municipal services have two months to produce the report. If this period is exceeded, the developer may appeal to a higher level (usually the autonomous community) bringing a complaint against the delay. The autonomous community has a further month to respond.

C20. If the autonomous community does not respond within this time period, the developer may consider that the absence of response represents positive administrative silence and the permit deemed to have been tacitly granted.

C21. However, if the project contravenes a plan or a norm, this silence cannot be considered positive and, if the developer starts the work, then they will be subject to all the penalty mechanisms provided for in the *Ley del Suelo*.

C22. In the Spanish planning system no compensation is given for the refusal of a permit. Refusal arises from non-compliance with any of the terms contained in the plans or norms of obligatory observance. Non-compliance with or breaches of the law does not give rise to rights.

Conditions relating to the permit

C23. In Spain there are few conditions linked to the granting of a permit apart from compliance with time periods for execution as specified in the granting document and the simultaneous completion of urbanisation works (if these have not already been carried out). In the case of work on an existing building, conditions are imposed with respect to stability and the security of the working methods employed. This situation does not occur in the case of new works. In the case of a protected building, the permit may specify the type of activity to be carried out. This is usually related to the degree of protection enjoyed by the building, although these conditions are normally found in the plans.

C24. The only condition that is imposed is the simultaneous execution of the necessary urbanisation and infrastructure works so that, when the building is finished, the land upon which it is built has all the necessary urban services. Because there are normally no conditions imposed upon the granting of a permit, there are also no legal agreements. The only agreement that does exist, is in the case where land has not been previously urbanised. Here there is a formalised agreement for the simultaneous urbanisation and of payment of a guaranteed amount necessary to cover the urbanisation works linked to the development.

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación urbano, 1992. Real Decreto Legislativo 1/1992, 26 June. Official Gazette of 30 June. Regional legislation collected in Appendix 5. Municipal building norms or ordinances.*

Rights of appeal

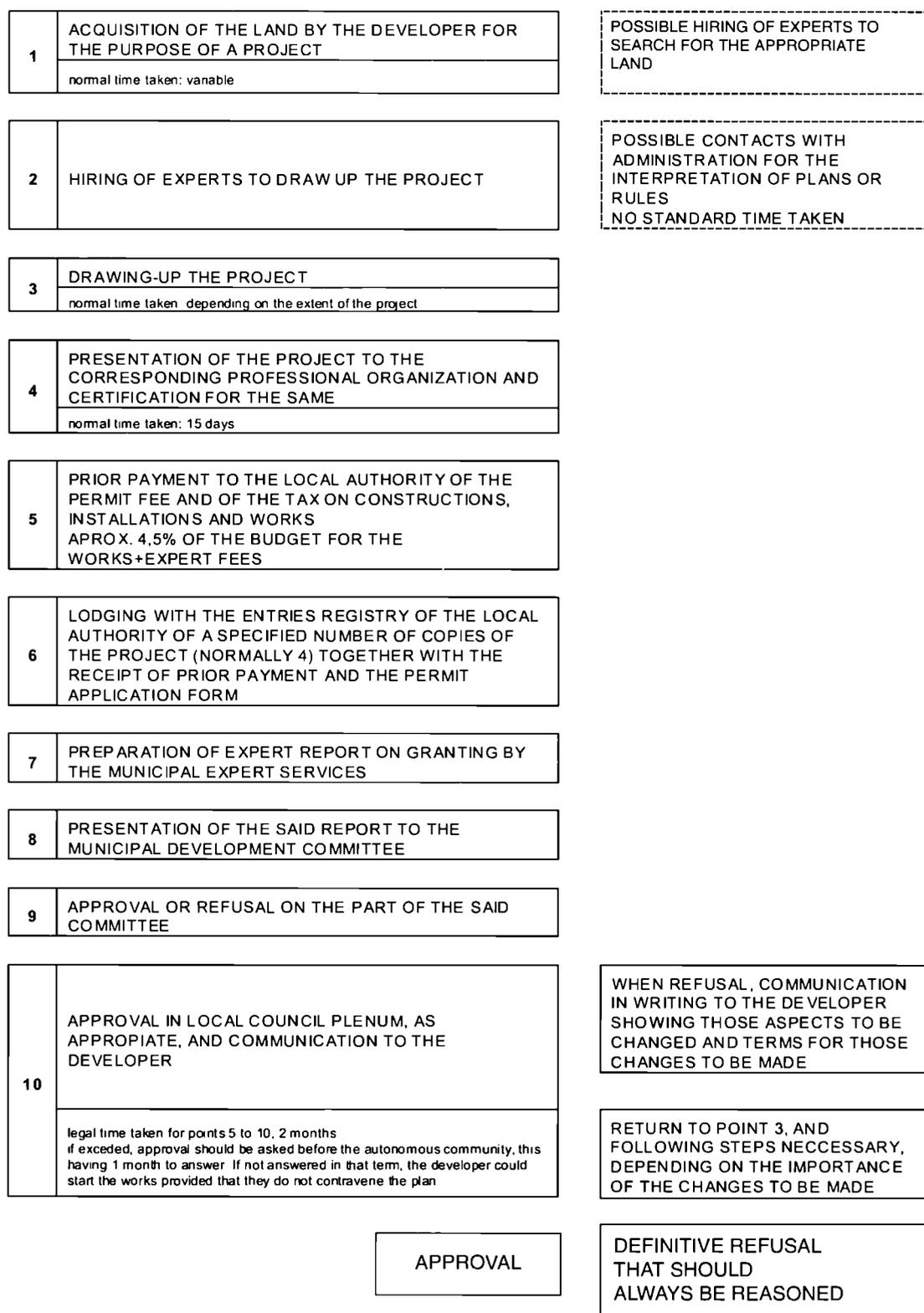
C25. In Spain, appeals against administrative decisions in land-use planning and building matters can take two different paths. The public has the right to appeal against both administrative and contentious-administrative decisions. Appeals can also be of a civil or penal character. The key features are discussed below.

Ordinary and extraordinary appeals

C26. Ordinary appeals are used in the following cases and heard by the specified administrations:

- Against resolutions that do not end the administrative process. They will be heard by the administrative level which is immediately

Figure C1 Permit processes: 2. Building permit (Right to urban profit previously acquired)



INFORMATION: LAND USE LAW 1992
OWN SOURCE

above the administration that made the original decision.

- Against administrative actions. The appeal is based upon the illegality of any of the administrative dispositions of general character, and considered by the body that dictated such dispositions.

C27. Extraordinary appeals, also named *Recursos de Revision*, are used

- against resolutions that put end to the administrative route, or where no ordinary appeal has been made on time.

C28. In both cases the hearing and processes are similar.

- Lodging of an appeal with the administrative body that determined the original decision. It will then be sent to the body with competence to resolve the dispute (itself or a higher body), along with a whole set of documentation that identifies the people making the appeal, the nature of the appeal, the body against which the appeal is directed, and all of those documents of a complementary type considered necessary.
- A hearing will be held in those cases in which new facts or documents not included the original decision need to be considered.

All appeal processes require written submissions from both the administration and the appellant. The time limit to make an ordinary appeal is one month after a decision has been made. After this time period any previous decision will have been considered as confirmed, and a *Revision* appeal should be chosen. Administratively the time limit to resolve appeals is three months, which once exceeded without an explicit resolution means the appeal has been refused. In the case of a *Revision* appeal, it can be submitted within three months or four years depending on the facts of the appeal, and the determining administration has three months (similar to ordinary appeals) for resolving the appeal.

Contentious-administrative appeal

C29. All these appeals are permitted through the *Ley Reguladora de la Jurisdicción Contencioso Administrativa* dated 27 December 1956. The starting point of a contentious-administrative

process is the submission of an ordinary appeal before the administrative body hierarchically superior to that which made the original decision. Once one month has elapsed without an answer or the appeal is refused then the contentious-administrative appeal can be started.

C30. The starting of process, and documentation to be presented are similar to an ordinary appeal except that it is presented to the Court. The Court will ask the administration to present a general case. Then the arguments are presented from both the administration and the appellant. The Court then asks both parties to present their conclusions in writing giving them 15 days to do so. There may be a hearing for judgement if the Court finds it necessary, or when asked for by both parties. In either of these situations (written or oral judgements), the Court shall have 10 days to determine any verdict or judgement.

C31. Actuations of local administration that end administrative tract, are to be resourced directly on the contentious-administrative tract. Against the resolutions of municipal chairmen imposing sanctions for planning irregularities, the correct appeal is the contentious-administrative and not the ordinary appeal, as it happens against acts approving projects and plans in a definitive way.

Source: Ley 30/1992 de Régimen Jurídico de las Administraciones Públicas y del Procedimiento administrativo común, 26 November 1992 and *Ley Reguladora de la Jurisdicción Contencioso-Administrativa*, 27 December 1956.

Other permits

C32. Apart from the main permit which covers all types of works including new buildings, changes to the structure or external aspect of existing buildings and the demolition of buildings, there are other activities which need prior permission before work can start. They are all reflected in the *Texto Refundido* of 1992. The complete list includes:

- urban division into lots,
- the movement of land,
- new buildings,
- changes to the structure or external aspect of existing buildings,

- the first use of buildings,
- changes to the use of buildings,
- the demolition of buildings,
- the placing of advertisements facing onto the streets and highways,
- other activities indicated by the plan.

C33. In Spain, a permit is not only required to construct or rehabilitate buildings, but also, once the work has been completed, a further permit called the *Licencia de Ocupación* (occupation permit) is also required. This is granted once the work has passed the corresponding inspection and once compliance with all the conditions imposed in the initial permit has been verified. The building cannot be occupied without this occupation permit and neither can any services be obtained from the various utility companies.

C34. In the case where work is being carried out for subsequent use as an industrial or service activity, the so-called *Licencia de Actividad* (activity permit) is also required, proving that the activity to be carried out is not 'unhealthy, poisonous or dangerous' and that the executed works comply with all the provisions necessary for the execution of this activity.

C35. One of the most important concepts dealt with in any type of permit, apart from proof of compliance with the development parameters, is compliance with the norms of 'Protection against Fire', as contained in the NBE-CPI/91 (*Real Decreto* 279/1991).

C36. Given that urbanism is clearly a municipal competence, all these permits are applied for from the local authority.

C37. In Spain it is not possible to obtain permits or authorisations which contravene the plan. If any developer decides to carry out any activity not in accordance with the plan in force and this activity has been previously agreed with the administration, then before its execution the administration must modify the plan in such a way that, at the moment when the activity is carried out, it is in conformity with the plan. (See Section A. Flexibility and Section C. Departure from plan/changes to plan).

C38. Depending on the activity for which the permit is sought, it will be granted under one of the following names: Division into lots permit,

building permit, rehabilitation permit, activity permit, demolition permit, etc.

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación urbano*, 1992. *Real Decreto Legislativo* 1/1992, 26 June. Official Gazette of 30 June. Regional legislation collected in Appendix 6, Municipal building norms or ordinances.

Exceptions

C39. As has already been explained in the Overview, there are no activities possible in Spain without a previous consent having been granted. This means an enormous amount of work for local administrations which are obliged, in most cases, to give the consents. In some local authorities (e.g. Madrid), they have formulated a list of those works which are not necessarily subject to the need for a permit or consent, in order, amongst other things, to avoid the collapse in administrative procedures which would result if a permit had to be sought for every type of work, no matter how small it was. The only geographical areas which allow for these exceptions are in those local authorities which have specifically modified their ordinances to avoid administrative procedures for the authorisation of specified works of a minor character. This is not generally the case in Spain.

Departure from plan/changes to plan

C40. In the Spanish planning system, deviations from and non-compliance with the plan are not formally contemplated.

C41. As we are dealing with a development system based on the plan, and with this being subject to obligatory observance, then in the circumstances where it is purported to carry out a development or project which is not in compliance with the plan, the developers must previously agree with the administration the conditions under which this project is to be carried out. Prior to the execution of the project, the plan must be amended in such a way that it reflects the provisions necessary to integrate the new proposed activity into the 'legal' contents of the plan.

C42. In this sense, the system is more flexible for activities proposed by the administration itself or by

large investment companies, which are normally multi-nationals, and is more rigid when the proposed activity comes from a small local developer.

C43. To introduce activities or developments not included in current plan, a document called the *Convenio Urbanístico* has been designed. These *Convenios Urbanísticos* or development agreements are entered into between the developers of a proposed activity and the administration. They reflect, together with the characteristics of the new activity, the obligations which the developer acquires from the administration in order to compensate the local authority for the need to amend the plan.

C44. These obligations can take various forms:

- the assignment of land, beyond that required by the law, for the execution of specific facilities,
- the execution of specific infrastructure works which, again, are not obliged by law,
- the acceleration of the time periods for the completion of the work, and even
- economic compensation, which can have various aims such as the economic endowment of specific municipal activities of a cultural or sporting nature or the temporary assignment of funds to plans for the creation of public housing.

C45. The contents of the agreement is divided into at least three parts:

- the first justifies the appropriateness of the activity and the necessity to reclassify the land or to amend the norms and ordinances to bring this about,
- the second part establishes the characteristics of the activity, and
- the third fixes the compensation that the local authority will obtain.

C46. Normally, given that urbanisation is a municipal competence, the body with which the Agreement is negotiated and agreed is the local authority. However, given that the final approval of *Planes Generales* corresponds to the autonomous administration, once the terms of the agreement have been agreed by the local authority, proposals for the 'amendment of the *Plan General*' must be passed to the autonomous community for its final approval. In this context, it is sensible to have prior consultations with this body in order to avoid a posteriori problems with

respect of this final approval. Steps necessary to process a *Convenio Urbanístico* are included in diagram on next page.

C47. Clearly, if this agreement involves an impact on land falling within the jurisdiction of other administrations (e.g. land adjoining State highways, ports, coasts, canals, etc.) or if the land is affected by some special protection regime (national parks, natural parks, buildings or areas of historical-artistic interest, etc.) then, prior to the agreement being signed, its terms must be made known to the affected administrations, in such a way that they can raise appropriate objections. If not they will raise their grievances at the objections stage of the planning amendment process, and it is then much more complicated to re-draft the terms of the agreement.

C48. This type of agreement can be entered into at any time, although it is illogical that the proposed amendments are presented shortly after the approval of the general municipal planning document, given that they could have been introduced during the consultation stages.

C49. The costs of making such agreements, because they are not part of the process for granting a permit, it is not subject to the payment of any fee, not even for the issuing of the document. Due to the diverse nature of the agreements and the markedly different terms and conditions under which they can take place, it is impossible to evaluate their costs. The cost never take the form of a fixed rate, rather, its amount in monetary terms is normally linked to the size of the operation and the interest which it has for the administration in question, for example in the form of completing an unfinished zone of the city, creating jobs, attracting outside capital, etc., though not including, in principle, the payment of compensation to owners or users of adjoining land.

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación urbano, 1992. Real Decreto Legislativo 1/1992, 26 June. Official Gazette of 30 June. Regional Legislation collected in Appendix 6.*

Enforcement procedures

C50. In the Spanish system, the procedures for guaranteeing compliance with that provided for in the plans and norms are found not only in the National Law (*Texto Refundido* of 1992), but also

Figure C2 Permit processes: 1: Convenio urbanistico (Development agreement)

STEPS NECESSARY	OBSERVATIONS AND TIME TAKEN
PRIOR CONTACTS AND DISCUSSIONS WITH THE ADMINISTRATION	<ul style="list-style-type: none"> • NOT OBLIGATORY • NO STANDARD TIME TAKEN
FORMULATION OF THE PROPOSAL	<ul style="list-style-type: none"> • TIME TAKEN FOR THE FORMULATION DEPENDING ON THE EXTENSION FOR ITS PRESENTATION TO ADMINISTRATION NORMALLY 2-4 HOURS (MAJOR/COUNCILMEN/TECHNICIANS/ETC.)
EVALUATION OF THE PROPOSAL BY ADMINISTRATION	<ul style="list-style-type: none"> • THAT MEANS THE COMMUNICATION OF THE SAME TO ALL AFFECTED BODIES AND THE ASSIGNMENT OF A PERIOD OF PUBLIC CONSULTATION WHEN ESTIMATED NECESSARY • TIME TAKEN FOR THIS STEP 2-6 MONTHS
COMMUNICATION OF THE DECISION TAKEN BY ADMINISTRATION ON THE PROPOSAL, AND OPENING OF A NEW PERIOD OF DISCUSSION WHEN NECESSARY	<ul style="list-style-type: none"> • DECISION IS COMMUNICATED IN WRITING • THE NEW PERIOD OF DISCUSSION, WHEN OPENED, CAN TAKE DIFFERENT TIME DEPENDING ON THE DEPTH OF CHANGES INTRODUCED BY ADMINISTRATION
FINAL FIXING OF TERMS AND CONDITIONS OF THE AGREEMENT AND <u>SIGNING OF CONTRACT</u> , IF APPROPRIATE	<ul style="list-style-type: none"> • ONCE ALL TERMS ARE AGREED, THE REDACTION AND DISCUSSION OF LEGAL TERMS OF THE CONTRACT TAKES 15 DAYS/MAX. 1 MONTH
OPENING, ON THE PART OF THE LOCAL AUTHORITY, OF THE ADMINISTRATIVE PROCEDURES FOR THE INCLUSION OF THE AGREEMENT WITHIN THE CURRENT PLANNING DOCUMENT	<p data-bbox="777 1098 1306 1214">NO STANDARD TIME TAKEN</p> <p data-bbox="827 1253 1255 1319">AMENDMENT TO THE PLANNING DOCUMENT</p>

INFORMATION: OWN SOURCE

in the *Reglamento de Disciplina Urbanística* of 1978 and in the various pieces of legislation from those regional governments which have their own provisions (Madrid, Murcia, the Balearic Islands, Asturias and the Canary Islands).

C51. The only condition to be exercised once the plan has been approved will be compliance with the time periods for the distribution of benefits and charges and the execution of the urbanisation works within the indicated period.

C52. According to current national legislation (*Texto Refundido* of 1992), there are mechanisms by which, if the owners of the affected land do not comply with any of the specified time conditions, they can be substituted in the management process, with the administration acting as a subsidiary executor.

C53. In the case of compulsory purchase for non-compliance with the time periods for carrying out work as indicated in the plan, the owners may suffer a reduction in the value of their land of up to 50% of what they would have obtained if the development had been completed within the time period as fixed.

C54. Controls for compliance with time periods fixed in plans, or the terms and conditions agreed to in development agreements, are enforced by the local authority. However, the most frequent controls imposed to date have been with respect to compliance with the terms of the building permits.

C55. Works executed without permit can be made legal, or not, depending upon whether they are compatible with current planning ideas. If development work is found to be in the process of execution, this will be immediately suspended. If works undertaken without a permit have already been completed, the local authority has up to four years from the termination of the works to require the legalisation of the work if this is possible, or order the demolition of the work if it is in contravention of the plan. The fine to be imposed in these cases will be 5% of the total cost of the works, if it is capable of being made legal, and may reach 30% if the development needs demolishing.

C56. If development is executed in contravention to the conditions imposed in the permit, then they have to be corrected within the time period fixed in the Notice. If this time period is not com-

plied with, then the work can be compulsorily purchased or subject to forced sale. This can also happen if the owner of works carried out without a permit does not legalise them in the time period granted to him by the administration for this purpose.

C57. Any act which requires a permit and which is carried out without or in contravention of it, will be suspended until it is legalised. If this is possible.

C58. Serious offences can be committed related to:

- division into plots,
- land use,
- height, volume and situation of buildings,
- permitted occupation on plots,
- urban division into plots on land not capable of urbanisation,
- carrying out urbanisation works without approval in the corresponding plan and project.

These offences have a limited liability (due to the passage of time) of four years from the time when they were committed. Other offences of a minor character and a limited liability of one year.

C59. All activities which are in breach of statutory procedures are also subject to a regime of penalties which differs according to the authority which is competent to levy them (local or regional government) and can range from ESP 10 million to 2 000 million.

C60. In no circumstances can a development violation give rise to an economic benefit for the transgressor. In the case where a violation has the character of a crime, notice is given to the Attorney General's Office in order for appropriate criminal procedures to be considered.

C61. In the cases where the local authority has failed to bring proceedings within one month of notification of the illegal activity, the regional government will take over these proceedings.

C62. The most serious violation is the execution of any activity which requires a permit without

this having been applied for and the work being undertaken in an area which is classified as open space in the plan. If the work has been or is being carried out on land considered as undevelopable or non-programmed developable land, then compulsory purchase or forced sale may be applied.

Source: Texto Refundido de la Ley del Régimen del suelo y Ordenación urbano, 1992. Real Decreto Legislativo 1/1992, 26 June. Official Gazette of 30 June. Regional Legislation collected in Appendix 6.

Area of regulation

C63. The area covered by regulation is described by way of two graphics which appear in Appendix 6. The communities which have their own legislation on territorial planning (Asturias, Cantabria, the Basque Country, Navarre, Aragón, Catalonia, Valencia, Murcia, Madrid, the Balearic Islands and the Canary Islands), and those which have some type of regional planning instrument, either already drafted or in the process of being drafted (Asturias, Cantabria, the Basque Country, Navarre, Madrid, Catalonia, Andalucía and Valencia).

C64. Another graph identifies those Spanish municipalities which have a general type planning document. Here it is noticeable that there is a much higher incidence of such instruments in coastal municipalities, which have a more dynamic character, and a relative absence in interior areas, which have a more regressive character and pronounced depopulation.

C65. This documentation is completed by the information which is contained in the section devoted to the environment (see Section D. Protection of the environment/conservation and Appendix 10. Graphics on protected areas) which indicates those areas that are subject to some type of environmental protection.

C66. In areas where no general type planning document exists, local authorities are governed either by an urban land delimitation project, complemented by subsidiary norms of a provincial character or, in the absence of either of these documents, then the provisions contained in the Law.

Source: Dómine, V. et al. (1993). La cobertura del Planeamiento urbanístico en España. Ciudad y Territorio. Vol. 1. Tercera época. No 95-96. Ministerio de Obras Públicas, pp. 154 and 160 and an Internal Study on Protección medioambiental, ITUR, Ministerio de Obras Públicas, 1992.

Unauthorised use and development

C67. In Spain there has been a long tradition of creating settlements on undevelopable land, fundamentally because of the lower price of this land. This type of activity has often had the tacit consent of politicians and, sometimes, the administration. Two types of settlement have sprung up on this type of land, or indeed in rural land; one is residential in character, often associated with second homes, and the other is associated with industrial use, particularly on rural land.

C68. Residential use on undevelopable land has given rise to development blight with all its associated problems, above all the absence of infrastructure, resulting in lack of access roads, uncontrolled drainage and rubbish, aquiferous contamination, etc. Furthermore because of the dispersed character of many of these areas, this has created a real obstacle for the design of future planning proposals, when attempts have been made to reflect these de facto situations within the new proposals for the integrated planning of these areas.

C69. Similar effects arising from industrial use can be even more serious because of the polluting nature of industrial waste, but they have always seemed to be of a lesser impact because of their much more precise and sporadic character.

C70. Despite both the current and earlier laws declaring these works illegal and ordering their demolition, this has never been adopted because it raises two problems. First is the limited political attraction that the passing of a demolition order has for the local authority. It is likely to result in high political costs, because it implies confrontation with the owners and the resulting loss of votes. Secondly, some of these houses have been subject to the granting of permits and thus comply with specific conditions, so that their demolition cannot be considered legal.

C71. Therefore, the planning response to the problem, which arose mainly in the 1960s and

1970s, has been provided in the plans drafted in the 1980s. These plans have opted for two possible methods for legalising these situations; classifying the land affected by these activities either as urban or developable land, depending on the amount of work to be carried out by the owners. Until the approval of the *Ley del Suelo* of 1990, the amount of facilities to be provided in developable land was greater than in urban land, and the management mechanisms were also more difficult in developable land. Thus many municipalities have addressed these irregular situations by transferring the areas into urban land and managing the situation by paying for most of the infrastructure requirements and facilities out of the public budget. This then eases the inclusion of these portions of land into the new plan. Today, after the approval of the *Ley del Suelo* of 1990, in which facilities, costs and management procedures are similar to both urban and developable land, the difference no longer exists.

C72. As far as industrial use is concerned, and always provided that this development has not had a negative effect on the territory, its legalisation has been less difficult. The activity carried out has normally generated returns and thus the owners are much more inclined to legalise the situation in such a way that the industrial activity is not interrupted.

C73. Today, both the national law and current legislation in each of the autonomous communities is much more demanding in respect to unauthorised development. Indeed demolitions have been ordered, with the prior imposition of a fine by the corresponding regional bodies for activities carried out in breach of the plan, without per-

mit or for non-compliance with terms of permit. That is to say, the age of legalisations is now over.

C74. Another illegal activity which has taken place quite frequently, particularly in coastal areas dominated by second homes, has been the failure to execute the obligatory urbanization works by the developers. Having deposited the guarantee in terms of the percentage of the urbanization works as they were obliged to do by law, they have often built and sold the property without having complied with their obligations to the local authority.

C75. This type of activity has placed many local authorities in tourism areas in a delicate situation given that, in theory, they must solve an infrastructure problem which is not within their competence, but rather the responsibility of the relevant development company. The various methods of solving the problem are never pleasant because, in the majority of cases, it involves confrontation with the residents when extraordinary payments for urbanisation work are requested for work which in theory they have already paid for.

C76. A further problem arises from the independence which local authorities have in granting permits without any type of control from the autonomous community. This problem is particularly acute on the northern coast of Spain where there is a multitude of rural nuclei which, starting from a situation of illegality have, nevertheless, under the legislation of Asturias, Galicia and Cantabria, have tended to be legalised, thus institutionalising and permitting the growth of population nuclei on undevelopable land.

D. Agencies and mechanisms for development and conservation

Overview

D1. Until now, development management in Spain is mainly private in nature and has consisted of making landowners legally the entrepreneurs for the land to be developed, with all planning processes being controlled by the public administrations.

Competence for urban development, which includes urban regeneration is separate from those for regional development. Urban development is controlled by a legislative system that establishes all the planning and implementing mechanisms for land planning instruments and are called *Sistemas de Actuación*.

On the other hand, regional development and policies for land development are implemented through a variety of different approaches. The different approaches (*PDI*, *PDR*, etc.) and mechanisms are developed to meet the specific needs they try to address.

D2. The mechanisms for the development of a particular portion of urban or developable land in order to achieve the fair division of benefits and charges laid down by law are the *Sistemas de Actuación* (systems of action) and include: *Compensación* or compensation (management and ownership of a private nature), *Cooperación* or cooperation (public management and private ownership) and *Expropiación* or compulsory purchase (public management and ownership). These are described in Chapter II of the *Texto Refundido* of 1992, and are summarised below.

When land property and land planning are coincident, and the property is unique, there is no need to use the aforementioned systems.

D3. In addition to these systems there are a series of mechanisms, agencies or corporations, both of a public and mixed nature, which affect the implementation of planning and which are also described in the following paragraphs. The most important are those which support the management of funds to compensate for inter-territorial differences such as the *Planes de Desarrollo Regional*. They include plans or programmes for the development of most unbalanced territories, providing special aid for tourism development, rural or depressed areas and local development.

D4. Major infrastructure has been the subject of the most ambitious plan ever prepared in Spain, the *Plan General de Infraestructuras (PDI)*. It is designed for 15 years during which time the amount of money to be invested represents 1 to 2% of annual GPD. If implemented, it should have the effect of a sort of major strategic plan, by conditioning development, throughout the territory as a result of connections to new national railways, motorways, etc., and thus improving the accessibility of such areas.

D5. With respect to environmental conservation, Spain has a long tradition in the protection of natural spaces which started at the beginning of this century. This tradition has continued and now there are over 25 different types of protected area (scientific, parks, natural areas, and so on). Now approximately 5.3% of Spain's surface area is protected (2 to 7 million ha).

Development

Regional economic development

D6. The first general mechanism developed in Spain for the correction of regional imbalances was the *Fondo de Compensación Interterritorial* (Inter-territorial compensation fund) which appeared in the National General Budgets at the end of the 1970s. By 1985, Spain had established a policy of *Incentivos Económicos Regionales* (regional economic Incentives). These were designed to fulfil the provisions of the Constitution seeking to promote a fairer distribution of regional income and to guarantee the implementation of the principle of solidarity, by establishing an appropriate and fair economic balance between the different parts of Spanish territory.

D7. The areas in which these incentives are available are indicated in the *Reales Decretos* of delimitation which specify the basic regulations to be applied in each area. The designation and geographical delimitation of the areas to be promoted by regional investment incentives was based on the European Commission's Notification to the Spanish Government of 1 June 1987, designating a series of areas as possible candidates for the awarding of European Regional Development Funds in a way compatible with the principle of free competition and the common interests of the Member States as defined in Articles 92 and 94 of the EU Treaty.

D8. These arrangements applied to three types of area:

- areas of economic promotion (ZPE),
- industrialised areas in decline (Asturias, Cantabria, Ferrol and Extremadura) (ZID),
- special areas.

The duration of first and last of these areas within this incentive scheme comes to an end when the Government so decides. Normally when the causes which motivated their creation have disappeared. The ZIDs, have totally exceeded their anticipated duration, and despite successive extensions, have not overcome the problems which motivated their initial creation. The response has been to increase the size of the ZPEs to include the former ZIDs by means of relevant *Reales Decretos*.

D9. This system of regional incentives is one of the main instruments of regional policy, whilst at the same time respecting the principle of free competition. To date, of the different incentives covered by the regulation (*Real Decreto* 1535/1987), only the outright granting of the approved investment has been used, as seen in each of the *Reales Decretos* of delimitation in force. This instrument has been preferred over other incentives (of a tax or credit type) due to its transparency, greater flexibility and simplicity of management for small and medium-sized companies. Other policies for regional incentives are associated with the siting of industries. These are incorporated into the different pieces of legislation drafted by each of the autonomous communities. Many of these regional decrees have the following general characteristics:

- provision for the means to purchase and urbanise the land involved in the operation,
- availability of grants for low interest loans and other incentives for the siting of industries, and
- outright grants for siting certain activities in particular areas.

The net grant provided by financial aid is calculated according to the procedures determined by the European Commission.

D10. *Planes de Desarrollo Regional* (regional development plans) of a binding nature provide the framework for the granting of funds. In addition to the regional incentives, they include support for infrastructure related to economic development aimed at improving accessibility. The distribution of investments in regional development plans can be seen in the table set in Appendix 8.

D11. During 1992 and the first months of 1993, operative programmes were approved for Aragón, Cantabria, Catalonia, Madrid, Navarra, the Basque Country and Rioja, the Objective 2 and 5b regions. More recently, new programmes have been approved for the period up to 1997.

Source: *Plan de Desarrollo Regional 1.994-99. Ley 50/1.985 de Incentivos Regionales* and several *Reales Decretos* approving modifications of this law, and delimitations of areas of economic promotion. Orders set by several autonomous communities for the establishment of additional

autonomic incentives in zones of economic promotion.

Local economic development

D12. According to the last census, conducted in 1991, there are 8077 municipalities in Spain, of which 98 % have fewer than 50000 inhabitants, representing 48 % of the total population. Of the total regional population 33 % is found in the 104 municipalities which have between 50000 and 500000 inhabitants, and the other 19 % live in the six municipalities which have populations greater than 500000.

D13. In order to demonstrate the importance of the local public sector in the economic development in 1992 the local authorities, municipal or provincial councils, executed 30 % of all public investments.

D14. Support to the local public sector is something that is reflected in the activities carried out in the *Plan de Desarrollo Regional*, by way of:

- territorial operative programmes,
- individual programmes for large local authorities,
- programmes prior to the reform of the funds,
- local operative programme (1991-93).

D15. The local operative programmes for 1991-93 were the result of cooperation between the municipal or provincial councils and local authorities and Island councils for municipalities of less than 50000 inhabitants. They operate within the framework of structural and territorial strategic planning orientated towards the Objective 1 Support Framework, and the national local economic cooperation programme (*Real Decreto* 665/90 of 25 May 1990). They are structured in three subprogrammes:

- Territorial integration and articulation: road communications in rural areas.
- Industry, services and crafts: diversification of economic activity by means of the creation of industrial zones.
- Infrastructures in support of economic activity: the improvement of the integrated water cycle and of the environmental conditions in the rural areas.

D16. In the current *Plan de Desarrollo Regional 1994-99*, coverage has been extended to municipalities with a bigger population. Indeed, consideration is even being given to include municipalities with more than 500000 inhabitants and the metropolitan areas. In such cases the collaboration of central and regional investment will be directed towards encouraging urban development.

D17. Apart from these mechanisms, strategic plans have either already been, or are in the process of being drafted, for various cities in Spain.

D18. These plans have as their objectives:

- to agree the model of the city that is desired in a long-term scenario, taking into account and involving all the social forces which operate within this territorial area;
- to extend the four-year period for the fixing of objectives, which presently results from the political changes as a consequence of the electoral cycle;
- to increase the competitiveness of cities and to fully integrate the city within the geographical and economic context of which it forms a part;
- to structure the planning for the urban development of the city in the medium/long term.

D19. An example of this type of plan was drawn up in Barcelona before the hosting the Olympic Games. It was decided to follow a popular participation route. This meant that the progress of the plan was not rapid. However, because of the Olympics, the model to be achieved was clearly understood, and the resultant plan was satisfactory. Indeed, currently, a second phase is being considered. The main objective will be to project the city at the international level. Something different has happened in Madrid. The preparation of their plan was quite speedy, but it did not adequately incorporate participatory aspects. This has led to a plan with less than ideal results.

D20. To begin with the city of Bilbao chose a traditional plan but subsequently set up the *Metropoli 30* to develop aspects of particular interest. Tenerife also began to draw up a consultative-based plan, although it was subsequently argued that less participation may offer greater guarantees of the plan being implementable. The city of Valencia is currently drafting its strategic plan so that it can be integrated into the context of the

great Mediterranean cities. A City Council is to be created, taking the nature of an assembly. It is to be made up of some 100 to 150 individuals drawn from 'public' institutions and well-known companies, professional associations and other bodies which can collaborate in the development of the city will also invited to participate.

D21. It is also important to understand that at the municipal level a series of local development agencies also exist.

Source: Plan de Desarrollo Regional 1994-99.

Urban regeneration

D22. Urban regeneration activities in Spain are undertaken on the basis of the plans approved by the local authorities. In some cases, given their scale, these also require the economic collaboration of central and regional government.

D23. Overall, no specific agencies or mechanisms exist to carry out this type of activity. Initiatives have to be agreed both with respect to the design of the activity and the economic contributions of the various intervening agents.

D24. Normally these operations are designed and structured through the drafting of a *Plan Especial de Reforma Interior* (Special Inner Reform Plan).

D25. The support of the local administration is required for this type of activity, because these changes normally require the compulsory purchase of land, buildings and sometimes the activities carried out in those buildings including, and in some cases, the relocation of the affected population.

D26. A example of urban regeneration using this method was the development of the Olympic Village at Poble Nou (Barcelona). This involved the reclassification of some very derelict industrial land, lying isolated between railway lines, the opening of the Barcelona seafront and its connection with the city. The enormous opportunity presented by this intervention was increased by the changing infrastructure on the seafront. Public intervention over the land was used in order to inhibit speculation, which was subsequently released onto the market once the reclassification process was completed. Only then could the private sector urbanise and construct under pre-

established conditions. Given the scale of the operation, involving some 130 hectares of land and 1 km of beach which, when linked to the renovated beaches in neighbouring sectors, involved 5.2 km of seafront, was managed jointly by the three levels of administration involved.

Source: Texto Refundido de la Ley del Régimen del suelo y Ordenación urbana, 1992. Real Decreto Legislativo 1/1992, 26 June. Official Gazette of 30 June. Regional Legislation collected in Appendix 1. Urbanisme a Barcelona. Plans cap al 92. Ajuntament de Barcelona Planejament Urbanistic. Area d'Urbanisme i Obres Públiques. Ajuntament de Barcelona, 1988.

Private sector management mechanisms

Sistema de Compensación (compensation system)

D27. This system, as defined in National Law (Art. 157 and subsequent Art. of the TR 92) refers to an initiative which is solely private sector led and managed.

D28. The choice of system for the development of some pieces of land may be established by the plan or it may be adopted at the request of the owners when a *Unidad de Ejecución* (execution unit) is defined.

D29. A change in the definition of the composition of an execution unit, or change of the system of action both contemplated through plans, requires administrative procedures to be followed for initial approval, public information for a period of 15 days and final approval.

D30. The aims of the compensation system are:

- to carry out, according to time and in proper manner, the distribution of benefits and charges within the unit,
- to carry out the necessary urbanisation works linked to the development of that unit so that building on the resultant plots can be started.

D31. The only requirement is establishing the framework for an execution unit is that there must not be any substantial difference in the profitable use of execution units in the same area of division. In other words the variation must not exceed 15%. An *Area de Reparto* (area of division) is that portion

of land (urban or developable) within which the mean returns, in m² of land capable of being used for construction, of all of the development activities to be carried out, is calculated. These mean returns are termed type of use or average urban profit. All the landowners included in this area of division have the right to 85 % of the type of use. Administration bodies have the right to 15 %.

D32. Undertaking and financing this urbanisation work has to take into account the landowners, who will relinquish both the urbanisation and the land subject to obligatory assignment to the administration. The administration will contribute to the payment of the urbanisation work for properties for which the execution unit is awarded. This is by way of a compulsory assignment of 15 % of the type of use and, if applicable, any excess use made of the unit.

D33. In order to do this, owners of the land in question, who represent at least 60 % of the surface area of the unit, must reach an agreement and initiate the formation of the *Junta de Compensación* (compensation board). Where there is sole ownership there is no need to constitute a compensation board. It is obligatory for all the owners who have land within the unit to join the board. Any owner who does not join the board may be subject to compulsory purchase by the administration on behalf of the board. This board will be governed by the principles of commercial law and will have both a basis of activity whereby, by drafting the relevant *Proyecto de Compensación* (compensation project), the criteria for awarding the urban properties created in the development transformation operation will be established and Articles of Association which will establish its mode of action. The procedure for setting up a compensation board is long and tedious, requiring up to 12 resolutions in full sessions of the local council and involving excessively long periods for the transformation of land. Such processes usually results in the mismatch of supply and demand (see Section A. Development process and market circumstances).

D34. In order to proceed with urbanisation work the compensation board may dispose of economic resources of its members and the land to be urbanised. This may, if agreeable to all, be used as part of the payment to the development company contracted to carry out the work.

D35. Where there is non-compliance to time limits set, the administration may either change

the system to a public initiative system such as *Sistema de Cooperación* (cooperation system) (see Section D. Partnerships) or compulsorily purchase land and buildings from all the owners involved. In the latter case land will be valued at 50 % of the use which owners could have obtained if the time limits established for the execution in the plan and, in its absence, by law, had been met (see section D. Public sector management mechanisms).

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación urbana 1992*. *Real Decreto Legislativo 1/1992*, 26 June. Official Gazette of 30 June. Regional Legislation collected in Appendix 1, *Reglamento de Gestión Urbanística*, 1978. *Real Decreto 3288/1978*, 25 August Official Gazette of 31 January and 1 February 1979.

Public sector management mechanisms

D36. The mechanisms which the public sector uses to put planning into effect are various in nature. These include the acquisition of land through the mechanism of assigning 15 % of the use value as established in law, or the formation of a public stock of land through compulsory purchase. This can be done:

- when this is the system of action chosen to develop a particular execution unit;
- in order to provide general or local systems of infrastructure and facilities for special cases;
- for the increase of the municipal land bank or other public stocks of land;
- in order to obtain land which, in the plan, is destined for the construction of subsidised housing schemes or any other similarly protected use;
- as a consequence of non-compliance with the role agreed in the plan for the property (non-compliance with time periods and/or development agreements on the part of private ownership).

D37. In the case where this is the system of action chosen to develop a specific execution unit, a *Sistema de Expropiación* (compulsory purchase system) is used.

D38. This system, as defined in the *Ley del Suelo*, is a public initiative whereby as the first step, land falls into public ownership.

D39. Its coverage, when acting as a system of action, can either be similar to that considered both for compensation and for cooperation (see Section D. Private sector management mechanisms, and partnerships), or it can be much more limited in extent (for example for the execution of general systems, the increase of the public stock of land, etc.).

D40. Choosing the system of action requires the drawing up of a detailed list of the owners included in the unit and of their assets and rights that will be affected. This is because the procedure to be followed involves the valuation of the land and rights for the purpose of its compulsory purchase by the administration.

D41. This system will be used, primarily, as a penalty mechanism for non-compliance with the time period fixed for the execution of specific units by either the *Sistema de Compensación* (compensation system) or *Sistema de Cooperación* (cooperation system), or non-compliance with the time periods for the acquisition of rights as established in the plan or by law (see *Texto Refundido* of 1992, Chapter III).

D42. The greatest difficulties in the application of this system lie in:

- The valuation of the assets which make up the area. These valuations are normally the subject of appeal from the owners, which initiates a process which can last for some time.
- The lack of economic resources available to the local authorities to meet the expenses resulting from the application of this system. The new legal text sets out to correct this situation by introducing the possibility of forced sale (*Texto Refundido* of 1992, Chapter V) in the same way as that provided for in the applicable development legislation.

D43. Finally, the *Texto Refundido* of 1992 has introduced the idea that local authorities may identify pieces of undevelopable land or non-programmed developable land in their plans as reserves for possible future acquisition in order to set up, or increase, the municipal land bank. In this way they become engaged in the development process by a route which permits the acquisition of land at a lower price.

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación urbana*, 1992. *Real Decreto Legislativo 1/1992*, 26 June. Official Ga-

zette of 30 June. Regional Legislation collected in Appendix 1. *Reglamento de Gestión Urbanística*, 1978. *Real Decreto* 3288/1978, 25 August. Official Gazette of 31 January and 1 February of 1979. *Ley de Expropiación Forzosa*, 16 December, 1954. Official Gazette of 17 December, and *Reglamento de la Ley de Expropiación Forzosa*, *Decreto* of 26 April, 1957. Official Gazette of 20 June, both last two laws in such articles not repealed by Land Use Law of 1992.

Major infrastructure

D44. Recently a document of a national character has been drafted in which the Ministry of Public Works, Transport and Environment, within the scope of its authority, has dealt with the management of all infrastructure throughout Spain. This is the *Plan Director de Infraestructuras* (PDI), National Plan on Infrastructures).

Major traffic and transport infrastructure, main waste disposal and purification infrastructure, major parks, cultural, health and other facilities not included in the *Sistemas de Actuación* are executed by municipalities, sometimes in collaboration with the autonomous communities.

D45. This plan, initially drafted in spring 1993 and re-drafted in the winter of 1994, comprises six parts:

1. Territorial diagnosis.
2. Inter-regional infrastructures: Large networks.
3. Activities in urban environments: Part of the budgets of each of the bodies which manage transport in urban environments from an intermodal point of view (Renfe, Iberia, airports, ports, railway stations).
4. Water resource activities coming under the *Plan Hidrológico Nacional* (contemplated in the *Ley de Aguas* of 1985): regulation of water resources. Water-forest recovery in the high basins.
5. Environmental infrastructures: Those components of infrastructure which, be they linked to water management or to waste water, come under the Environmental Department of the Ministry.
6. Coasts: Approved legislation on this subject and a line of investment credit from the Ministry already exists.

D46. This PDI is not intended to have the status of a law but rather as a document of intent. It is

expected to be implemented by means of *Planes Sectoriales* (sectorial plans).

D47. Because of the absence of a planning instrument covering the whole of the national territory (*Plan Nacional*), the *PDI* can be considered as a substitute with planned investment over a 15-year period. This annual investment amounts to 1.2% of GDP.

D48. The second drafting of the *PDI*, during the winter of 1994, has meant that a strategy for assigning the vast funds controlled by the State has been established in such a way that it is coherent and in keeping with a territorial-oriented strategy.

D49. This strategy, ensures that Ministerial activities relate to one basic plan concerned with improving the competitiveness of towns and cities.

D50. In this sense, the 1993 proposal established an approach whereby the competitiveness of towns and cities was of importance as was a form of spatial equilibrium for the territory. This re-balancing is to be carried out by the autonomous communities by means of a system of incentives directed towards the medium-sized towns to achieve more even growth. A General Directorate for Joint Activities in Towns, was set up as part of the *PDI*. This body deals with activities in both large cities and intermediate towns. With the rural environment which makes up the majority of Spain, the State's large infrastructure projects will have limited effect. Therefore special grants are being used as incentives for development in these areas.

D51. Variations which appeared in the new version of the *PDI* in January 1995 basically referred to the existence of some rural environments which are much more competitive than large towns or cities. Thus the new strategy opens up areas of work and the budget of the *PDI* to the following objectives:

- Competitiveness or efficiency, which involves promoting the main axes connecting the territory through a 'basic network of infrastructures' which optimises levels of accessibility. This means that the emphasis is shifted from the basic system of towns and cities to the system which connects them.
- Fair distribution involving a re-balancing process which attempts to ensure that all of the territory is connected to the macro network.

- Environmental approaches to sustainable development and an appreciation of the importance of environmental values in any approach to competitiveness and efficiency, for any type of activity (residential, infrastructures). This approach requires environmental impact studies to be carried out on projects which intend to use Cohesion Funds. This is to ensure that such investment has an economic, social and environmental logic.

D52. Section 1 of the *PDI* introduces the idea that these three types of activities, responsibility for which falls to the State, are necessary but insufficient to meet the plans objectives given that there are other national, regional and local policies of equal importance in development processes. In this sense local development policies can be represented as accompanying policies which fall outside the competence of the Ministry, with the State only being responsible for labour-training policies.

D53. The *PDI* also considers the potential for considerable endogenous development to occur in certain regions. This should be encouraged by regional policies which take into account endogenous resources, the potential of local authorities and by setting common objectives for sectorial policies which, up to now, have been merely functionalist. It is anticipated that the resource commitments within the *PDI* should involve, in part, sources outside the budget through agreements and pacts with the autonomous communities.

Source: Plan Director de Infraestructuras, Moptma, 1993.

Partnerships

D54. In the Spanish system mixed companies can typically be considered as those which are formed to carry out activities under the *Sistema de Cooperación* or cooperation system. Here the administration manages development of privately owned land.

D55. However on non-programmed developable land, the relevant *Programas de Actuación Urbanística* or development activity programme (see Section B. Detailed type planning instruments) must be drafted. These programmes are in response to a licence system in which urbanisation is carried out under private initiative, operating on partly publicly owned land. This also

gives the system a mixed character similar to the one of *Sistema de Cooperación*, but from the opposite perspective.

Sistema de Cooperación (cooperation system)

D56. Its scope is identical to that described in the compensation system (see Section D. Private sector management mechanisms) and is either determined by the plan or, it can be adopted at the request of the administration or be imposed by the administration.

D57. The distribution of benefits and charges linked to the implementation of planning in this system is carried out through the drafting of a project, known as the *Proyecto de Reparcelación* (division into plots project). If the distribution of benefits and charges is sufficiently equitable and the owners reach an agreement, it may not be necessary to carry out the division into plots.

The *Proyecto de Reparcelación* also serves to transform all those pieces of land that landowners have to hand over to the municipality, for roads, parks, facilities, etc. into public property.

D58. The administration will initiate the action and will also carry out any urbanisation work at the expense of the owners. The landowners will surrender all the land that has been obligatorily assigned to the administration.

D59. The cost of urbanisation will be divided according to the percentage of land that each owner holds after the division of the site into plots. The administration may ask owners for an advanced payment of the amounts required to carry out urbanisation work, providing that this does not exceed the investments planned for the following six months. As with the compensation system, the administration contributes to the cost of urbanisation in proportion to the properties awarded to it. Payment of the urbanisation work may also take the form of plots resulting from land transformation.

Source: *Texto Refundido de la Ley del Régimen del suelo y Ordenación urbana*, 1992. *Real Decreto Legislativo 1/1992*, 26 June. Official Gazette of 30 June. Regional Legislation collected in Appendix 6. *Reglamento de Gestión Urbanística*, 1978. *Real Decreto 3288/1978*, 25 August. Official Gazette of 31 January and the 1 February 1979.

Tourism development

D60. There is a high expectation that the service sector is the key to the future of the Spanish economy. This reflects the fact that the main industrial nuclei of the EU lie well beyond Spain's borders.

D61. The tourist sector employs just over 10 % of the working population in Spain and accounts for between 9% and 10% of the gross domestic product.

D62. A law passed in 1962 in the midst of the tourist boom, *Ley de Centros y Zonas de Interés Turístico*, was designed to encourage the creation of zones dedicated to this activity. It was abolished in 1992 and not replaced.

D63. Currently, therefore, tourism is solely a regional competence. Regional planning instruments must include provisions which are likely to encourage the improvement and protection of tourist areas. Local authorities also have responsibility for tourism matters. However, the autonomy of these local bodies to plan their territory has resulted in very serious problems because of the lack of any global vision when granting permits for the construction of tourism-related activities.

D64. A change in tourism strategy, in order to try to encourage its integration into regional economies, has led to the preparation of the *Plan Marco de Competitividad del Turismo Español* (Futures – a master plan for the competitiveness of Spanish tourism). This was drawn up for the 1992-95 period, and its time frame may be extended. The objectives of this plan are as follows:

- To create the conditions required for the self-sustained development of the sector through the collaboration of all the administration and other bodies involved in the industry.
- To improve the efficiency of tourism activities and thereby consolidate the competitiveness of the Spanish tourist industry.
- To encourage the participation of both public and private sectors in the implementation of the plan.
- To maximise the social and economic benefits of tourism.

D65. This plan has infrastructure and environmental objectives which are related to both

Spain's historical and monumental heritage, as well as to the quality of the tourist areas. It also includes matters related to the coordination between international institutions and improvement and modernisation of the supply of tourist industries' facilities.

D66. The economic resources which were to be allocated to the *Plan Marco* from the National Budget for 1994 were estimated by establishing a common strategy for the whole sector. On this basis policies on tourism of the autonomous communities and local authorities can then be developed.

D67. Apart from this plan, there are national level spatial policies which affect tourism and have resulted in the creation of an Inter-ministerial Tourism Commission. It is presided over by the Minister of Trade and Tourism and comprises representatives of the Ministries of Economy and Finance, Interior, Employment, Social Services and Public Works, Transport and Environment. The purpose of this body is:

- to strengthen the coordination and collaboration between bodies with competence in tourism development matters; central, regional and local government bodies;
- to coordinate all the activities of central government in the area of tourism;
- to encourage the receptiveness of other Ministries towards matters concerning tourism;
- to give priority to investments of a tourism nature.

D68. The main problems which are explained in the Futures plan are caused by serious deficiencies in infrastructure, communication, transport, environmental matters, personal security and surplus accommodation (of the 2 000 000 vacant flats/houses in Spain at the present time, 1 200 000 of them are tourist flats/houses). The solutions require an improvement in infrastructure and the need for careful planning and viability studies before any new permits are granted, in order to avoid the excessive building of hotels and apartments in tourist areas. There are proposals to use European funds to renovate Spain's hotels in order to reduce the number of obsolete hotels. Examples of planning activities directed towards improving Spain's tourism include the *Plan Insular de Lanzarote*, with those of Fuerteventura, Gran Canaria and Tenerife (all in the Canary Islands) currently being drafted, the *Plan de Ordenación del Territorio de la Manga del*

Mar Menor (Murcia) and the *Plan de Protección del Litoral de Asturias*.

D69. Apart from traditional coastal tourism there is a growing tendency to consider other natural areas as resources which have the potential to generate income from tourism. Thus, although there may be certain restrictions in the use of land, for example in parks and natural areas (mentioned in Section D. Environmental protection/conservation), they are increasingly beginning to be valued. They offer opportunities as a tourism resource and a means of reviving some depressed rural areas.

Source: *Plan de Desarrollo Regional 1994-1.999, Ministerio de Economía y Hacienda, Dirección General de Planificación. Madrid 1994. Published in April, 1994.*

Rural development

D70. According to figures published in the *Plan de Desarrollo Regional 1994-99* (Regional Development Plan) primary activities in Spain account for 4.9% of the total gross domestic product and 10.7% of total employment.

D71. Rural development and improvement of agrarian structures takes place within a framework of cooperation with regional government bodies. Central government can intervene, possibly with financial contributions, with proposals to include measures and activities for coordinating economic restructuring, environmental protection, use of mountains and re-establishing the balance between areas.

D72. For this purpose, the *Plan de Desarrollo Regional 1994-99* (plan for the development of the regions) establishes activities which aim to achieve the following objectives:

- to improve productivity and production conditions, through the rationalisation of water resources and land improvement;
- to transform 80 000 ha into irrigated land;
- to improve irrigation systems in 200 000 ha;
- to encourage the concentration of smallholdings and improve facilities in centres representing a surface area of 1.3 million ha;
- to encourage the formation of associations for production purposes, through activities which cannot be the subject of cofinancing within the scope of the common action of Regulation (EEC) No 2328/91.

D73. All of these activities are understood to be in accord with the general framework of the ecodevelopment which is apparent in all the plans being drafted and developed at the present time. Special emphasis is being placed on promoting and providing an inventory of natural resources, the conservation and improvement of plant life, the conservation of biological diversity and the growth and development of forests in rural areas. Such activities are being promoted in Spain's rural areas which are not included as part of the Objective 1 areas.

D74. In addition attempts are being made to reduce the deep-rooted rurality which exists in certain parts of Spain. Problems including an overdependence on the agricultural sector both in terms of economy and employment, low levels of general economic development, low levels of productivity in agriculture per employed person and high unemployment rates or, more usually, under-employment, are being tackled by a policy which encourages rural development and the diversification of agricultural activity. This involves the diversification of activities, re-equipping rural areas, developing tourism, craft industries, forest resources, all coinciding with the opening up of channels of commercialisation, an increase in *appellations d'origine* and the adaptation of agrarian structures in accordance with the common actions set out in Regulation (EEC) No 4256/86.

D75. In order to provide the necessary administration for these policies and to channel the relevant grants or aid available, local rural development agencies have been established. They deal with the bureaucratic paperwork for farmers and are important in establishing *appellations d'origine*. These *appellations d'origine* are one of the ways of increasing the competitiveness of products in foreign markets. In some autonomous communities such as Asturias or Castille-León these agencies also administer special funds and provide grants for certain specific types of projects.

Source: Plan de Desarrollo Regional 1994-1999, Ministerio de Economía y Hacienda, Dirección General de Planificación, Madrid 1994. Published in April 1994.

Special agencies

D76. Currently, there is only one agency with specific characteristics: CARTUJA 93. The law which established this agency determines the policies for providing incentives to companies to locate on the land or in the buildings left after EXPO 92.

D77. There is also a special society concerned with matters relating to the crossing of the Strait of Gibraltar, called the SECEG (*Sociedad Española del Cruce del Estrecho de Gibraltar*).

Protection of the environment/conservation

Countryside conservation

D78. Spain was one of the pioneering countries in Europe in the creation of national parks. A law in 1916 led to the opening of the Parks of Covadonga and Ordesa in 1918. The process continued with the *Ley de Espacios Naturales Protegidos* of 1975, which provided the basic source of protection for national parks or integral reserves and the *Ley del Suelo* of 1975 which is more comprehensive and protects areas of interest which are classified, as protected undevelopable land and on which any urbanising activity is strictly forbidden. These approaches have been consolidated in a recent review of both Laws: *Ley de Conservación de los Espacios Naturales y de la Flora y Fauna Silvestres* of 1989 and *Ley de Reforma de Régimen Urbanístico del Suelo* of 1990 (*Texto Refundido* of 1992).

D79. In addition, the development of the competencies of the autonomous communities from the beginning of the 1980s has meant an increase in the number, and an improvement in the type, of administrative instruments available for the conservation of natural areas within the context of each region. Nine autonomous communities have specific legislation or provisions within legislation on territorial planning for countryside conservation. Five provide for the declaration of natural areas of interest through instruments relating to territorial planning (directives), or urban development (plans). This is the case with Aragón, Galicia, Madrid, La Rioja and the Basque Country. The remaining autonomous communities manage countryside conservation through national legislation.

D80. Apart from the general legislation there are, in many cases, additional provisions to deal with precise objectives, for example, the creation of nature protection advisors (in Cantabria, Castille and León and Catalonia), the awarding of grants to local corporations for the conservation and restoration of areas (Galicia and Catalonia), the restoration of areas affected by mining (Aragon, Castille and Leon and Catalonia) or for fire pre-

vention in protected areas. Basic legislation on environmental protection is national in character, comprising *Real Decreto Legislativo* 1302/1986 on the evaluation of environmental impact, drafted as a result of Directive 85/377 of the EEC, the *Leyes de Protección Atmosférica*, to protect the atmosphere, the *Ley de Aguas*, to protect water as a scarce resource, and the *Ley de Costas*, to protect the coast fringe. All of these laws have some influence on restricting development opportunities in certain parts of the country. These areas can be seen in the maps in Appendix 10.

D81. The *Ley de Espacios Naturales* provides for a hierarchical system whereby areas of national interest can be designated as national parks and where they are of regional interest. With the natural parks there is the opportunity for the Spanish Parliament to enhance this protection by re-classifying them in the national parks category.

D82. With the environmental protection of natural areas (discussed in Section D. Environmental protection), areas of great interest are the high mountain areas both of the Pyrenees, and the mountain systems of the Peninsula. Normally these areas do not suffer the same pressures nor conflicts of land use of coastal areas. The main objective is maintaining their extensive agricultural or forest uses. The land is often used for hunting. They are usually depressed areas or areas in decline. There is a strong link between these areas of natural interest and the forest-pasture reserves.

D83. A system of protection is still lacking for large areas of the country. This could be interpreted, for areas in decline such as mountainous areas, as an under-exploitation of the potential for additional economic resources, particularly with respect to tourism, which could be significant in maintaining the population (see paragraph D69).

D84. There are further important points to be considered in relation to environmental protection. The rich Mediterranean woodland, with a greater number and variety of species than the forests of the centre and north of the EU have an intrinsic fragility, risk of erosion, difficult relief and soil fragility which make planning and management particularly difficult. Furthermore many of these areas are situated along borders, mostly of a regional character. The approach of different autonomous communities can lead to a lack of complementary between activities. In some instances the location of infrastructures, such as

dams or roads, can cause considerable environmental impacts. This may have a negative affect on the protection aims established by other parties.

D85. With respect of the protection of European trans-border areas, this is limited to the province of Zamora (on the border with Portugal), the provinces of Navarre, Huesca, Lérida and Gerona (bordering France) and the Ordesa National Park which has formal connections with the national park of the western Pyrenees on the French side. In the latter case a document of collaboration for joint management has been signed.

Source: Internal study on Protección Mediambiental, ITUR, Ministerio de Obras Públicas, Madrid 1992.

Environmental conservation

D86. In Spain the different provisions for the protection of areas of environmental interest, described in Section D. Countryside conservation, have resulted in over 25 different types of protection. These types can be divided into three large groups:

1. Scientific, integral or biosphere reserves for the protection of natural areas. There is a total restriction on any uses other than for scientific and educational purposes. There are 97 areas of this type in Spain.
2. All types of parks for conservation which can be used for educational and recreational purposes, with certain restrictions. There are a total of 107 areas.
3. Natural areas – natural spots or sites of interest. The conservation of these areas allows the controlled exploitation of their resources as well as their use for recreational and leisure purposes. There are around 250 of these areas.

D87. At present there are 462 designated areas, covering approximately 2362624 ha. This represents 4.7% of the total area of the country. This figure is significant because in 'Europe 2000' it was estimated that between 1-2% of the EU requires a high level of protection and that the recent proposal of the EU Habitats Directive contemplates greater flexibility in the criteria for the selection of areas to be protected when the surface area containing natural habitats and species of pri-

mary importance represents over 5% of the national territory. According to some sources, Spain's protected areas account for 40% of the EU total.

D88. In relation to the estimate of management costs of these protected areas, a recent study by the CODA (*Coordinadora de Organizaciones de Defensas Ambientales*), carried out in nine national and three natural parks, estimates an annual cost of approximately ESP 17 000 per hectare for correctly managed protected area. According to this calculation, the two and a half million protected hectares should cost ESP 40 000 million per year, and the generation some 12 000 jobs. To this, the cost of maintaining relatively well conserved, though not protected, natural areas would also have to be added. Such areas can of course generate income and the Timanfaya park on the island of Lanzarote is an example of a self-managed park which costs ESP 300 million per year to maintain but generates income of over ESP 700 million.

D89. The Canary Islands has 40.49% of its land area classified as protected, with Andalusia having some 17% protected. In provinces such as Cádiz or Huelva almost a third of the province is protected. Catalonia has a *Plan de Espacios de Interés Nacional (PEIN)*, forming part of the *Plan Territorial General*, which considers that 19% of Catalonia is a protected area. In regions with only one province, such as Asturias, Cantabria or Madrid, an average of approximately 5% is protected. In the Basque Country and the Balearic Islands the proportion is 3.7% and 3.3% respectively. The rest of the country has around 1% of the land area protected.

D90. Furthermore, and in accordance with international agreements, areas to be included as part of international networks have been designated. Most of these had already been listed or came under some type of protection or restriction in their usage. Tables in Appendix 10 reflect information both on protected natural areas of international character, and areas with special protection in Spain.

D91. There is a problem common to all protected areas namely the lack of active conservation in those areas declared to be of interest. This means that protection can eventually lead to excess pressure on the area or its gradual abandonment. There is, in general, a lack of human and economic resources available for control and surveillance. This is because in some cases pro-

tection covers too large an area or there is a certain degree of disorder and delay in the administrative procedures required to declare an area to be of interest and, above all, there is no integrated policy which thinks in terms of networks, rather than restricting itself to designated areas. In short, the correlation which should exist between protection policy and territorial and urban planning policy is lacking.

D92. There remains a strong and growing positive attitude towards protection. There is a greater awareness of conservation at all levels, and constant social pressure and support for such action has its roots in both protection and the encouragement of territorial competitiveness.

D93. However, Spain is still far from both establishing networks of areas which include unique cases and the growing consideration of new, not necessarily designated, spaces which avoid excessive development pressure being exerted or guarantee the survival of ecosystems in conjunction with agricultural, cattle and forest or recreational uses. According to Europe 2000, such areas could or should account for between 10 to 20% of the territory. A programme currently being undertaken by the National Institute of Nature Conservation (*ICONA*), known as *Hispanat*, is based on information provided by the Corine and allows data to be collected on more than 2 000 areas of interest within Spain. This will help to contribute to greater precision in future designations and the possible extension of protection to new areas, as well as setting up of a network which provides a reference for policy on protected areas. Future consideration of protection of areas as part of sectorial policies: water policies, water resource plans, transport infrastructures, etc. will, if put into practice, provide a support for natural areas which should result in less negative impacts and greater contributions to future protection.

D94. In the projects related to the hydrological plans for river basins and the project for the *Plan Hidrológico Nacional*, in addition to specific programmes for the restoration of water-forest resources, protection of sensitive areas and the restoration of river banks indirectly linked to natural areas, the most significant wetlands and Pyrenean glaciers are specifically included to ensure their conservation and restoration.

D95. Spain is complying fully with environmental protection policy in territorial planning within a European framework. This includes the des-

Figure D1 Protected natural areas of international character in Spain

TYPE	NUMBER	EXTENSION	LOCATION
Biosphere reserves (MAB Programme of the UNESCO)	11	631.167 Has.	Most of them are National Parks: Ordesa, Doñana, Montseny, Grazalema, Cazorla, Segura, Cuenca Alta del Manzanares
Wetlands (Ramsar Convention of 1971)	26	299.749 Has.	All of them included in Spanish protected spaces, or protected by hunting laws
Protection of Wild Birds (ZEPA; EU Directive 79/409)	140	2.133.220 Has.	Mostly in Balearic islands, the two Castilles, Extremadura, Madrid and the Rioja
TOTAL	177	3.064.136 Has. (6,4 % Spanish surface)	

INFORMATION: Study on "Environmental Protection"
ITUR Madrid. 1992 and 1994
Own Source

Figure D2 Areas with special protection in Spain

TYPE	OFFICIALLY DECLARED (NUMBER AND EXTENSION)	INVENTORED (NUMBER AND EXTENSION)
Scientific integral or biosphere reserves. No other use than scientific and educational	97	
All classes of Parks which can be used for educational or recreational purposes. 10 of them with National character	107	
Natural Areas (spots or sites), allowing controlled exploitation of resources	250	
Others	113	
TOTAL	467 2.517.508 Has (4,7% Spanish surface)	633 3.666.854 Has (7,3 % Spanish surface)

NOTE: THERE ARE INVENTORED SPACES
WHOSE SURFACE IS UNKNOWN

INFORMATION: Study on "Environmental Protection"
ITUR Madrid. 1992 and 1994
Own Source

ignation of ZEPAS (areas for the protection of wild birds), the incorporation of environmental themes in some of the structural funds' operative programmes and in the recent proposal for a Directive on the conservation of natural habitats, wildlife and flora involving the conservation of the natural habitats and the wildlife and flora in the European territory. It is expected that half of the financing of the Habitats Directive until 1994 will come from the budget Spain receives from the Life Regulation of the EU environmental activities. This amounts to around ECU 400 million (approximately ESP 52 000 million). If just the ZEPAS are included in the habitats contemplated by this Directive, Spain provides 39% of the surface area, then an equivalent contribution from the total budget should be forthcoming.

Source: Internal study on Protección Medioambiental (ITUR). Ministerio de Obras Públicas, Madrid 1992.

Coastal planning

D96. Coastal planning is important in Spain. It has a total of 10 033 km of coastline and river banks, including marshland, rivers and estuaries, 7 880 km of shoreline and 3 094 beaches covering 13 560 ha. During the high season around 35 million people (stable and seasonal population) concentrate on the coast. In Spain there is no specific agency for coastal planning. Coastal area planning is a component of the general planning of the municipality in which the coastal area is located, and must follow provisions derived from the *Ley de Costas* (national law). This has already proved an effective mechanism relating to the use of land on the coast. Furthermore, the Constitutional Court has passed a judgement that coastal planning must be a shared responsibility between central, regional and local government and that any report issued by the Coastal Department is binding in terms of the development of these areas.

D97. The *Moptma* has drafted a *Plan de Costas 1993-97* (Coasts Plan) which was approved by the Council of Ministers on 2 April 1993. It has the following aims:

- to correct those situations which are preventing or restricting the rational use of the coast;
- to regenerate or restore those areas which have suffered damage – mainly beaches;

- to promote activities which improve the environmental quality of the coast;
- to carry out prevention and protective activities designed to control erosion and damage to the coast.

D98. The following types of activities are considered:

- the improvement, widening and regeneration of beaches and other open spaces;
- the renovation of the coastline and defence of the coast;
- accessibility to beaches and shores.

D99. These activities, which are included in the *PDI*, could result in conflict due to the importance that coastal activities may have within the local development model. For example in terms of the construction of sea promenades or other coastal activities, and their potential effects on the location and transformation of development uses in highly vulnerable areas of the country.

D100. Many Spanish coastlines are important areas of ecological interest (e.g. Balearic Islands). Some wetlands are also situated on the coast (Cádiz, Huelva, etc.). A large number of these natural coastal areas are under great urban or industrial pressure. On the Mediterranean coast, from Gerona to Málaga, the burden of tourism is a critical pressure, which can also be observed in the areas of ecological interest in both island systems.

D101. Conflict in these areas is between urban use, basically holiday homes, and infrastructure, and the need for protection. In addition, these areas are often subjected to pressures of leisure demands by the great masses of population from nearby metropolitan areas.

D102. To a large extent, the general lack of protection of the coast, reflects a delayed awareness of the problem both by society and the administration. Rejection of ideas of protection were due to the fact that it was conceived as a hindrance to development, especially in areas which have undergone an economic boom and are under great pressure from tourism. The case of the Canary Islands is particularly severe given their fauna, botanical and even geomorphologic interest. With ecosystems of such great value four of Spain's 10 national parks are located here.

Source: Plan de Desarrollo Regional 1994-1999, Ministerio de Economía y Hacienda, Dirección General de Planificación, Madrid 1994. Published in April 1994.

Preservation and conservation of historic buildings ancient monuments/urban conservation

D103. Policies for the preservation and conservation of historical buildings and monuments in Spain follow two distinct routes:

- Those contained in *Ley 13/85* of 25 June 1985, *del Patrimonio*, on Spanish Historical Heritage, which is in force in those autonomous communities which do not have their own legislation. But by virtue of the Constitution, the autonomous communities may assume competence in the matter of monumental heritage which is of interest to that region. This affects buildings and individual items of an artistic, historical, paleontological, archaeological, ethnographic, scientific or technical interest and other elements contained in the law.
- Numerous land planning instruments of a protectionist character exist in Spain. The fundamental document, together with the Protection Rules, is the Listing (see Section B. Policy instruments. Other instruments) of elements to be protected. Conservation of the old parts of towns or historic centres in Spain displays the peculiar characteristic of opting for integrating processes which gives protection under the *Planes Especiales de Protección* or of the *Plan de Reforma Interior*, which provide a development-type framework for the protection of areas of interest.

The more important aspects of national law include both the detailed regulation of the Assets of Cultural Interest (*BIC*), which can be declared as being either individual buildings or historical groups, historical sites or archeological zones, (all 'collective' declarations require the drafting of the corresponding *Plan Especial de Reforma Interior* by the local authority), and the declaration of an Integrated Rehabilitation Area, and the listing of buildings in conformity with that provided for in *Ley del Suelo*.

D104. The objectives of the *Ley del Patrimonio* are:

- the proper conservation of buildings declared as *BIC*, or included in the collective declarations, or
- the rehabilitation of buildings in accordance with architectural and aesthetic guidelines which are appropriate to the value of these buildings.

D105. In order to be effective, the law establishes the following measures:

- preferential access to official credit;
- for each item of public works with a budget higher than ESP 100 million, at least 1 % of the funds will be provided from central government to finance the conservation or enrichment of the historical heritage;
- various tax exemptions which require the express declaration of the building in question and its inscription in the corresponding registry.

D106. The main problems in the applying of the law have been:

- The high demands made by the owners, given that, from the beginning of the respective procedures for the declaration of *BIC*, a restrictive use is imposed upon the building, without a corresponding level of assistance being offered.
- The inclusion of a building in a group or its inclusion in a listing of protected buildings, of either a local or municipal character is not sufficient reason for granting tax benefits. Thus, in many cases, the *Planes Especiales de Protección* which have been drafted have been totally inoperative.

D107. Spain has the highest number of cities which belong to the World Heritage in Europe (Unesco): Cáceres, Toledo, Segovia, Salamanca, Avila, Granada and the old centre of Santiago de Compostela, and in practice, the approach adopted by the great majority of Spanish municipalities to the conservation of historic buildings has been the development route, that is the drafting of corresponding plans. In Spain's historical centres, therefore, there exists, in general, good passive protection (prohibitions on doing or acting) but bad active protection (an absence of incentives measures, of control, a high number of abandoned ruins, etc.).

D108. The activities of central government in this area are limited to the following:

- The conservation of protected elements of a 'national' character.
- The restoration of theatres, for which the Ministry of Public Works has resources available.
- A government agency for the rehabilitation of housing. However its activities are somewhat limited, managing a budget of only about ESP 7 000 million per year.
- The establishment of measures to encourage rehabilitation. These were contained in the *Planes Cuatrienales de Vivienda (Cuatrienal plan 1992-95)*. The plan contains direct subsidies and credits with very advantageous conditions for municipalities and citizens to rehabilitate houses or apartments. Between 1992-95 almost 55 000 houses or apartments have been rehabilitated using this mechanism.

D109. The activities of regional governments involve:

- The declaration of *BICs* in their area of influence which have a regional character.
- The drafting of their own guidelines to act as regional frameworks.
- Direct control on the activities of the local authorities by way of the final approval of their planning instruments.
- Establishing measures for encouraging rehabilitation which are complementary to central government measures, by drafting corresponding decrees and signing agreements with the central administration.
- When appropriate, establishing public or mixed companies which guarantee the execution of specific types of operations which reclassify specific spaces and represent an incentive for access by private initiative.

D110. The activities of local governments are directed at:

- Delimiting those precincts and/or buildings which, within their municipal area, should be submitted to some type of protection.
- The drafting of planning instruments that are appropriate to achieving the desired protection objectives.
- The search for sufficient financing for the correct management of these plans.

- The establishment of management bodies or agencies similar to the regional agencies, and with similar aims. The existence of mixed regional/local agencies are normally more effective.

Policies and plans of this type are found in the majority of Spanish cities. Their ability to meet their objectives varies enormously.

D111. The most positive example of activities carried out in an historical centre is provided by the city of Barcelona. Here an area of integrated rehabilitation (*ARI*) was designed as a platform for consensus and a mechanism for the coordination of programmes between all the levels of administration that were involved. A mixed company was set up (*Procivesa, S.A.*) allowing the entrance of private capital in order, amongst other things, to make dynamic initiatives easier to establish. In this company, which has served as an example to others which have subsequently been set up in other Spanish cities, the capital is divided between the various levels of the administration, different banks, the shopkeepers association, a company owning and operating carparks, and a public works company (these last two belonging to the local authority). Equally successful examples are those of Vitoria and Pamplona. Less spectacular results have been obtained in other cities with historical heritages, such as Madrid, Palma de Mallorca or Valencia. The city of Valencia, which has the largest old quarter of any in Spain, and one of the largest in Europe, has been designated by the European Commission to form part of the 'Conservation of European Cities' programme; Valencia is one of the cities whose conservation is being approached from an economic point of view. Other cities are developing traffic and environmental perspectives, or are promoting cultural tourism.

Source: Texto Refundido de la Ley del Régimen del suelo y Ordenación urbana, 1992. Real Decreto Legislativo 1/1992, 26 June. Official Gazette of 30 June. Regional Legislation collected in Appendix 1. Ley 13/1985 del Patrimonio Histórico Español. Rubio del Val, J. et al. La Política de Rehabilitación Urbana en España. ITUR. Ministerio de Obras Públicas, Madrid 1990.

Resource planning

D112. With respect to Spain's resources, water is the highest priority. As a resource it does not, in general terms, satisfy overall need, and at the

same time it is unequally distributed between the north which has a surplus, and the south with significant shortages. A better balance of water distribution may be achievable when the measures and activities set out in the *Plan Hidrológico Nacional* (National Water Resource Plan) are put into operation.

D113. The drafting of the plan is controlled (Art. 18.1 of the *Ley de Aguas*) by the National Water Council. This comprises representatives from Government, farmers, experts and the local authorities. The time period proposed by the plan is 20 years (1993 to 2012) giving it the character of *Plan Director Del Agua*. There is the opportunity of introducing programmes of several years' duration, to be reviewed every five years, with specific objectives and budgets.

D114. The objectives of the plan are:

- to eradicate water shortages of certain areas by water transfers;
- to improve the infrastructures of areas in which irrigation schemes can be implemented in order to increase production;
- to reduce the growth in human water consumption;
- to improve the efficiency of water systems;
- to satisfy demand whilst paying attention to maintaining minimum environmental flows in rivers and streams;
- to increase the use of unconventional water resources.

D115. These objectives are to be put into effect by the immediate implementation of five water transfers projects, and the subsequent execution of others within a three-year period, after they have been declared to be of general interest by law. This should increase water transfers from the present 550 hm³ to 3838 hm³.

D116. It is calculated that the potential for increasing the land capable of irrigation will be between 400 000 and 600 000 ha, of which 120 000 ha will be put into operation during the first five years of the plan.

D117. The latest estimates indicate an expected growth in urban demand for water of 1.25%. A study is being carried out on the use of water pricing as a mechanism to reduce consumption,

with the possibility of setting price differentials according to water use.

D118. With particular reference to water resources in the *Plan Director de Infraestructuras* (see Section D. Major infrastructures) because it was drafted by environmental experts and it is concerned with protecting the quality and not the quantity of water. This latter issue is dealt with in the *Plan Hidrológico*.

D119. Some 87% of the funds are allocated in 1994 by the *Moptma* for the programme 'Water Resource Management and Infrastructure', are for major investments. These include the construction of dams and reservoirs, defence work, river channelling and correction to protect against flooding, improvement and modernisation of existing irrigated land, desalination plants in the archipelagos, conservation and maintenance of existing infrastructures and the recovery of our historic water patrimony.

D120. In addition, an additional budget has been approved which will be invested in drainage and sewerage infrastructures, sewerage treatment plants, monitoring the quality of water and the management of the public water resources, in order to meet within the time limits set out by European Regulations, particularly by Directive 91/271/EEC concerning urban waste water the present shortcomings in this type of infrastructure.

D121. The management of waste, is a matter of considerable importance both in terms of solid waste management (the siting of rubbish tips and waste treatment plants), and aspects of liquid waste management, especially given the influence of this type of waste can have on the quality of Spain's coasts. The existence of a *Plan Nacional de Saneamiento y Depuración de Aguas Residuales* (National Plan on Drainage and Sewerage) is significant. With regard solid waste, the average amount of rubbish produced per person per year is approximately 300 kg. There is a clear need to establish a legal regime for planning and monitoring the collection and treatment of this waste in order to ensure the protection of the environment and to encourage recycling.

D122. The waste management regime which was established for the first time by the Law 42/75 of 19 November 1975 'Collection and Treatment' of urban rubbish and solid waste was

partially amended by the *Real Decreto Legislativo* of 13 June 1986 which incorporated and defined the concepts of the management, treatment and elimination of waste. The obligation to deal with waste falls to local authorities (Art. 25.2.1. of the *Ley Bases del Régimen Local*) and they must designate the legally authorised rubbish tips which should be located in sites under control and avoid any damage to the soil, vegetation and wildlife. Currently the autonomous communities have prepared solid waste management plans which cover almost all of their territorial area. Some of these plans are at a local level and managed by communities and others, at a provincial level, run by associations.

D123. In the case of toxic or dangerous waste, local authorities must adhere to the provisions of Law 20/86 of 14 May 1986 'Basic law on toxic and dangerous waste', the regulation for the implementation of this law having been passed by *Real Decreto* 833/88 of 20 July 1988.

D124. In relation to industrial waste, the *Plan de Desarrollo Regional* (regional development plans) considers the drafting of a new *Plan Nacional de Residuos Industriales* (National Plan on Industrial Waste). It will have the following objectives:

- To guarantee the correct management of toxic waste in order to protect health and safeguard the environment.
- To encourage the recovery of waste, when viable.
- To promote the development and use of clean technologies in production processes.

D125. The funds required to implement all of these policies have been limited. Finance is only available from the Ministry of Public Works and the General Directorate of Environment, which has dealt purely with matters related to planning. However, because this body has assumed responsibility for implementing EU environmental Directives it is expected to open a new budgetary line of finance.

Source: *Plan de Desarrollo Regional 1994-1999, Ministerio de Economía y Hacienda, Dirección General de Planificación, Madrid 1994, published in April 1994. Plan Director de Infraestructuras and draft of Plan Hidrológico Nacional, Ministerio de Obras Públicas, Transportes y Medio Ambiente, Madrid 1994, published in March 1994.*

E. Overview of spatial planning in practice

Overview

E1. In Europe the lines of evolution towards a new economic framework are beginning to be sketched out. They show considerable differences from the ones that existed in the 1970s. Economic and social changes are resulting in important transformations in the relationships between economic activity and space, in regional dynamics, in the role of the cities and in the rhythm of planning processes.

E2. Similarly profound changes in the criteria for the location of activities, in the nature of the international and inter-regional division of labour and in the requirements of spatial organisation, are also taking place.

E3. These changes will be strongly influenced by the new infrastructure systems and, in particular, by transport systems, which will contribute towards the development of a territory. In the peripheral areas (and from the European point of view, this includes the majority of Spain) the competitive capacity for attracting new activities may be reduced, thereby aggravating existing imbalances. This highlights the importance of promoting measures aimed at increasing intra-European connections.

E4. This has required central government in Spain to study the position and role which the regions and cities of Spain might play in European space. Whilst European space is highly developed it is heterogeneous and there is a need to direct spatial intervention policies towards providing greater assistance to the Spanish territory in order to reduce the differences between rich and

poor areas. Without such support these areas might become further removed from one another and from the more affluent regions of central and northern Europe.

E5. As the Commission has indicated, differences between the rich and the poor within European cities has been growing and spatial segregation has increased. This not only threatens social cohesion and the efficient functioning of the cities, but also leads to the existence of large pockets of poverty with bad housing conditions and high levels of unemployment. This in turn may result in a lack of confidence in the area in question which alienates possible new investors.

E6. The outcome of the processes described above is difficult to predict, but will also be shaped by:

- the evolution of eastern Europe;
- the definition of new axes of competition for investment, resulting from the inclusion of new countries within the EU;
- the demographic pressure coming from third world countries and, specifically to the Iberian Peninsula from North Africa and Central and South America;
- the productive evolution associated with new technologies;
- increased employment in the service sector as compared with the manufacturing sector;
- employment growth lower than forecasted and insufficient to absorb surplus labour;
- the changes in spatial location, resulting from the new transport infrastructure.

E7. In principle it is hoped that the main metropolitan areas and large urban regions in Spain will benefit most from these new tendencies.

E8. Emphasis therefore should be given to the potential development opportunities which exist for the cities which are linked to the main transport axes. In order for these opportunities to be realised, there must be important local aid and an urban and social structure which supports both their real and potential competitive advantages.

E9. For the intermediate zones, their evolution is much more difficult to forecast. However, their capacity to seek, define and exploit their endogenous potential should be the bases upon which development can take place.

E10. Furthermore, it should not be forgotten that, together with the urban structure (the fundamental driver of socioeconomic change), there is also a rural structure which covers the majority of the territory and which, although it affects an ever-declining agricultural population, has a socioeconomic and environmental importance which demands special treatment.

E11. Changes in agricultural demand, the existence of agricultural surpluses and the orientation of the CAP and the GATT agreements necessitate a reduction in the land area devoted to agriculture. This is having a significant impact on productive activity in the rural areas and, most particularly, in Spain.

E12. On the basis of this European situation and in order to tackle policy measures from a territorial perspective, the Spanish Government has established, different policies which inherently give potential to, or limit spatial development during the last decade of the 20th Century.

E13. In essence, the most important policies in Spain are those directed towards compliance with constitutional imperatives. These relate to the creation of the conditions necessary to promote the overall development of all Spain's citizens and to achieve harmonious development within the European framework. The policies with the highest priority are therefore economic development and housing policy. Both have a clearly spatial dimension and are closely connected with the planning system.

E14. Policies which are complementary to economic development include transport, industry, natural resources environment and rural policies.

E15. The fundamental characteristics of these policies, are briefly described below.

Housing policy

E16. Housing policy is the second most important policy for central government, being headed only by economic policy.

E17. This is due to the fact that access to decent housing is one of the principles laid down in the Spanish Constitution and that the resources necessary to implement such policies are essentially provided by central government.

E18. Housing policy includes both loan policies and tax incentives. Both are designed by central government in a homogeneous manner for application throughout the State.

E19. From the 1978s Constitution, competence for housing matters are largely shared between central administration and the 17 regions or autonomous communities. Municipalities also have a responsibility for providing housing for its citizens.

E20. Competencies belonging to each administrative body are:

- Central administration (State)
 - economic planning, credit and financial order,
 - basic norms, and fiscal policy.
- Regional administration (autonomous communities):
 - planning and programming at regional level,
 - shared financing and management of applications for economic support,
 - promotion and construction of houses/apartments,
 - management and maintenance of public houses for rent.
- Local administration:
 - editing of planning instruments,
 - granting of building permits,
 - promotion and management of municipal housing.

Commercial policy

E21. Trade policy in Spain is not very important from the perspective of spatial development.

There are no provisions aimed at physically directing or planning the development of this activity.

E22. The only element of control of use which exists is contained in the most recent regional legislation. In order to avoid the phenomena of reclassifying of land for the location of large commercial centres (basically hypermarkets), a system of prior authorisation, which must be granted by the competent regional government, is provided for.

E23. In this way the agreements to which local authorities have become accustomed are avoided and the location of these large commercial centres is rationalised. Such developments can have enormous impacts across the territory, and consume valuable resources especially in relation to land and the capacity of the transport network.

E24. Retail trade is not the subject of any other specific policy in Spain. The characteristics and conditions are reflected in the specific norms of the general type of development instrument of the municipality in question.

Industrial policy

E25. This policy is clearly linked to the economic development policy and above all relates to incentives for the location of specific activities in those areas considered to be in industrial decline.

E26. There is, however, no global industrial policy which encourages the location of industries to specific areas. In principle, any installation is permitted, always provided that the current planning requirements of the municipality in question allow it.

Tourism policy

E27. The importance of the extensive Spanish coastline as a source of tourist income and the intense conflicts of use which arise has led to policies aimed at limiting building in these areas, improving levels of access whilst maintaining the quality of the environment. Planning provides a mechanism for integration.

E28. All three levels of government, central, regional and local, have competence in relation to tourism.

E29. Central government participates in tourism policy by drafting of plans for the improvement of

tourism, such as the Futures plan, and by restricting the use of coastal areas which are in public ownership.

E30. Regional government designs its tourism policies through regional planning instruments which can condition the use of coastal areas.

E31. Furthermore, the majority of regional governments are giving consideration to the promotion of rural tourism or tourism in the inland areas. Such areas have traditionally been depressed and are characterised by unprofitable agricultural activities.

E32. To this end, policies are being designed to improve general transport infrastructure and the quantity and quality of the hotel and catering facilities which exist in these areas, normally with the use of public resources. The aim is to improve income levels and prevent these areas from being abandoned by the local population.

E33. Local government drafts the planning instruments, municipality by municipality and, as a consequence, designs its own planning policies for tourist areas.

Environmental, natural resources, waste management and pollution policies

E34. Spain has probably the finest natural heritage in Europe, because of the variety of flora and fauna, no less than 6.4 % of the Spanish territory is included in some form of international programme (the MAB of Unesco, Ramsar or ZEPA) (see paragraph D86 to D95).

E35. With a growing population, the Spanish government is concentrating on those environmental problems which are the highest priority. These include:

- A policy which prevents building in flood-risk areas (planning) unless the obligation that prior specific studies have been undertaken which assess the risk as being reasonable. This policy enjoys the collaboration of central, regional and local government, with the latter drafting the specific planning documents within their respective municipalities.
- A policy for the re-planting of forests to prevent the loss of surface water and high levels of erosion and desertification. This policy is designed by regional government and executed by regional and local government.

- Consideration of water as a limited resource and the establishment of policies aimed at improving both its management and its quality. This policy is designed in a global manner by central government, but responsibility for this area also rests with regional and local government, which design plans within their territorial remit and provides funds for the execution of water purification infrastructure.
- Policies designed to control the pollution of land as a result of intensive agricultural use or by the dumping of urban and industrial solid waste products. This policy falls within the jurisdiction of the central government so far as the prevention of the use of specific fertilising systems or the production of specific waste products is concerned to regional governments so far as the location of dumps are concerned; and to local government which is responsible for ensuring compliance with these arrangements.
- A policy for the reduction of levels of air pollution. All three levels of government are involved in this policy, each within the territorial remit over which it has jurisdiction.

Transport policy

E36. No economic development can take place without adequate transport networks, and economic development cannot be understood unless it is sustainable. Thus, transport and environmental policies are linked to economic development policy.

E37. The creation and improvement of trans-European and national transport networks will have an impact on the level of connection in trans-frontier regions and enhance the possibilities of joint development.

E38. Over the next 15 years, infrastructure policy, has been prescribed within the *PDI* and includes transport, natural resources and environmental policies. Hence, from the point of view of the government, transport policy can be seen as the single most important policy area.

E39. This *PDI* has been subject to intense public examination and the analyses, criticisms, commentaries and position-taking have been numerous, coming from diverse professional disciplines, politicians and sectoral and regional interests.

Economic policy

E40. Economic development policy is of great importance to central, regional and local government. The need to re-balance the territory is one of the prerequisites considered necessary in the convergence plans.

E41. Policies within this umbrella are clearly related to European policies, above all the various European funding programmes (FEDER, FSE, FEOGA) for the development of specific territories. The impact of such programmes might also be felt in adjoining European zones outside Spain (the Spanish Mediterranean Arc; measures in the Valladolid-Lisbon corridor and its connection with the frontier, etc.).

E42. In Spain there is currently a hierarchical and centralised model of population distribution and of economic activity, with two international metropolitan areas (Madrid and Barcelona), six national-regional metropolitan areas (Valencia, Sevilla, Bilbao, Málaga, Zaragoza and Las Palmas), and seven areas which are rapidly urbanising (the central Asturian area, Alicante-Elche, Vigo-Pontevedra, Murcia, Palma de Mallorca, Valladolid and La Coruña).

E43. In contrast to this hierarchical and centralised model, the economic policy of central government proposes the establishment of a model which is structured around corridors. To this end it is seeking the collaboration of regional and local government which, through their relevant planning instruments, can encourage this type of connection between municipalities.

E44. These development axes or corridors, clearly linked with the main metropolitan areas (see *E42*), are designed so that those nuclei with greater potential for development pull those with lesser possibilities. In this way the area of possible development will be extended even further.

E45. These activities and this policy are usually agreed between central and regional government through the design of the regional development plans.

E46. Environmental, water and transport infrastructure systems can also contribute by increasing accessibility, and developing connections and inter-relations between regions. This can help to define the different levels of competitiveness and of quality of life between one region and another.

Therefore policies aimed at improving these elements can also have a direct impact on economic development.

E47. Large-scale infrastructure and facilities, and the maintenance of basic environmental characteristics fall within the jurisdiction of central government. These elements help to define the levels of spatial competitiveness at a global scale and thus have an impact on the creation of the planned corridors.

Heritage policy

E48. Despite the richness of Spain's historical heritage, the strength of policy followed by each level of government is not matched by the levels of resource allocation. This is extremely low.

E49. Furthermore, the tax incentives which are intended to provide help for the maintenance of private historical heritage, an abundant phenomena in Spain, are still meagre in comparison to

the mechanisms established in other European countries. As a result, a large part of Spain's historical heritage is subject to high levels of passive protection (impossible to change the nature of specific assets) but low levels of active protection (direct aid for the maintenance of this national heritage).

Rural policy

E50. Rural policy can also be considered as having important links with economic policy. It is important in Spain because of the large areas of land still devoted to agriculture. Much is classified as high mountain areas (18 % of the Spanish land mass).

E51. The high percentages of agricultural population which remain in certain provinces, and deficiencies in the commercial structure and agricultural management practices, are important issues that need to be addressed.

F. Policies

Housing policies

F1. Responsibility for housing policy in Spain is divided between central and regional government. Housing was one of the matters transferred to the autonomous regions under the terms of the Spanish Constitution of 1978.

F2. Furthermore, housing is one of the key policy elements in Spain because the Constitution establishes the right of all Spaniards to enjoy decent housing. It is incumbent upon public bodies to promote the necessary conditions in order for this right to be satisfied. The main mechanism is the regulation of the use of land in accordance with the general interest and helping to prevent land speculation.

F3. It is also established that the community must participate in the surpluses generated by the planning activities of public entities.

F4. Key in the meeting of these aims have been both the *Texto Refundido de la Ley del Suelo 1992*, which establishes a whole series of distribution mechanisms which have been summarised earlier, as well as successive *Planes de Vivienda* (housing plans), which are of a national character.

European Union

F5. There are no direct policy links of a European dimension with Spanish housing policy. However, European aid is received under various programmes, such as the URBAN programme, which is providing help for the rehabilitation and revitalisation of the older and historic parts of

several Spanish cities. Within such areas the quantity and quality of housing continues to be of importance.

National policy

F6. The basic instrument of intervention in housing policy are the *Planes de Vivienda* (housing plans). These are established for periods of three to four years, fixing economic support and financing systems.

Central and autonomous administrations sign annual agreements for the implementation of these plans. These agreements contain measures to establish the territorial distribution of economic support.

In 1992, a housing plan was designed and passed for the period 1992-95. In January 1996 a new plan was passed for the period 1996-99.

F7. The main objective of the 1992-95 *Plan de Vivienda* was to favour access to housing for those who cannot enjoy such access under market conditions. In other words the plan does not concern itself with what has come known as free housing, the construction and sale of which is strictly governed by the laws of supply and demand.

F8. The strategies designed under the plan are orientated towards an improvement in the efficiency of public spending. It is intended to have an impact on both the supply and demand for housing, so that the supply of new housing at accessible prices is increased; the sale, also at accessible prices, of housing that has already been built, is encouraged; and the rehabilitation of housing, especially if this is of a structural nature, is favoured.

F9. The scope of the plan has been broadened in comparison to earlier plans, allowing for access to this type of housing for families whose income reaches a maximum of 3.3 times the national minimum salary (prior to this plan, the figure was 2.5 times the minimum salary), and providing specific aid to both first-time home buyers and those in the rental sector, always provided that the dwelling in question is no larger than 70m².

F10. A more dynamic functioning of the market is also encouraged, so that the need for public aid can be reduced. Two factors are particularly significant, namely an improvement in the financial system for borrowing for mortgages and an encouragement of savings being channelled towards investment in rental property, or property destined to be rented, especially if it meets the needs of citizens with low income levels.

F11. To this end, basic elements of *Plan de Vivienda 1992-95* were:

- to obtain the maximum levels of coherence between land planning policy and housing policy;
- to better match housing supply and demand in those city centres with higher than average increases in real estate prices;
- to provide attention to those citizens accessing the housing market for the first time;
- promote housing to be rented;
- to attune public financial support in the housing field;
- to ensure quality control, and the management of economic support in collaboration with social organisations.

F11b. The new plan for 1996-99 has the following characteristics related to housing and land planning policies:

- promotion of the rental market;
- promotion of the quality and sustainable use of resources in building activity;
- priority to urban rehabilitation and regeneration;
- promotion of long-term savings destined for housing;
- promotion of the availability of urbanised land at a reasonable price.

For the development of these characteristics, the following principles are established:

- concentration of the State's public expenses on those families with medium/low income levels;
- priority to promotion and rehabilitation of houses destined for renting;
- maximise the territorial dimension of the plan's objectives;
- maximum control on credit payments;
- simplify the State's economic help;
- revise mechanisms established for protected actions on land.

F12. Provisions have also been made for the regulation of the so-called housing accounts that are maintained by depositors in banks and savings banks, the reform of the mortgage market, the establishment of tax incentives for investment in rental property, via the regulation of property investment funds, and the reform of the law on urban renting.

F13. This plan has enjoyed a high level of success, with all the objectives of the plan having been accomplished. This has included the regulation of property investment funds and the reform of the law on urban renting. Part of this process has included a new Law of Urban Renting which has, albeit in a very slow manner in order not to damage the social structure which resides in the historical centres of Spain's cities, started to establish mechanisms which allow for a gradual updating of rents. This, in turn, will allow for the rejuvenation of the older housing stock.

Regional policies

F14. Following the official approval of the *Planes de Vivienda*, the General Directorate for Housing and Architecture began to make contacts with the autonomous regions. The purpose is to develop a new legal framework which will maximise the levels of return on the activities of both levels of government. This is achieved by evaluating the housing needs of each region, identifying priority areas for action and current availability of land designated for housing at accessible prices and considering how to increase the availability of this type of land.

F15. On the basis of these analyses, various collaborative agreements are signed between the

Ministry of Public Works and the various autonomous regions for the purpose of putting the plan into practice. The objective of providing 400 000 houses as suggested for by the 1992-95 plan has been surpassed by the applications coming from the autonomous regions, who place their total needs at 600 000.

F16. Fixed indicators help to allocate resources to each autonomous region based on population concentrations in nuclei of more than 100 000 inhabitants, the proportion of the population aged under 30, the per capita disposable income and the number of applications for protected housing processed in 1991. These variables are weighted by the indices established in the corresponding technical studies.

Local policies

F17. In Spain, there is no local housing policy as such, except for the public promotion of housing by certain local authorities. Such authorities normally have specific objectives. Some local authorities allocate funds for the promotion of housing for rent in order to alleviate existing housing deficiencies for a population with a very low purchasing power. Others aim to encourage housing in old historical centres on a temporary basis for those residents who have had to be moved out of their own homes as a result of rehabilitation works. This is a frequent occurrence in Spain's extensive historical centres.

F18. At the local level it is important to note that there has been an increase in the volume of land managed by the local authorities as a result of the *Texto Refundido de 1992 (TR 92)*, which provides for the assignment of 15% of the use of any development operation to the local authorities. Only time will tell what the impact of this is in terms of the public promotion of housing at the local level.

Commercial and retail policy

F19. Trade policy in Spain is not really important from the point of view of spatial development, given that there are no provisions aimed at physically directing or planning the development of this activity.

F20. The only element of control of use which exists is that contained in the most recent regional

legislation which, in order to avoid the reclassification of land for the location of large commercial centres, basically hyper-markets, provides for systems of prior authorisation which must be granted by the competent regional government.

F21. In this way agreements to which local authorities have become accustomed are avoided and the location of these large commercial centres is rationalised. This is important given the impact that such centres have on the territory and the resources that they consume, both from the point of view of land and the capacity of the transport network.

F22. Retail trade is not the subject of a specific policy in Spain. The characteristics and conditions for its development are reflected in the rules of the development plan for the municipal district in question.

Industrial policy

F23. Within the clear objective of restoring regional balance, the most important aspect of industrial policy is the use of various regional incentives aimed at influencing industrial location.

F24. The basic objective of industrial policy is to improve the competitiveness of industrial firms, so that they can be more closely equated to the efficiency parameters of other European competitors. The main foci of support includes technological innovation, the promotion of industrial design and aid to small and medium-sized firms' enterprises.

European Union

F25. The delimitation of the areas in which development incentives of a regional character can be offered has been made on the basis of communication from the European Commission to the Spanish Government in 1987, and is in accordance with the competition rules governing aid granted by Member States and reflected in Articles 92 to 94 of the constitutive Treaty of the European Union.

F26. In order to provide aid to less-developed and declining industrial regions, the EU has provided access to the regional development funds, which are used in the majority of Spanish regions.

National policies

F27. Within the overall objective of improving the competitiveness of the industrial sector, measures are concentrated in the following areas. For each, there is a specific plan:

- spread in the use of information and communication technologies to all economic and social sectors (PRIN);
- encouragement in the application of automation technologies (PAUTA);
- encouragement of research in the pharmaceutical industry (FARMA);
- technological development in biotechnology, chemical technologies and material technologies (BOM);
- technological support to the basic and processing industrial sectors, aimed at encouraging technological development in the so-called mature sectors (SBT);
- provision of new plant and equipment, the training of human resources and the creation of a social climate favourable to technological innovations (PIT);
- aid directed towards technological development in firms devoted to environmental technology (PITMA);
- support to the business people through the Industrial Property Registry.

Regional policies

F28. Regional policy encompasses those measures which help industrial activity to locate in those areas in order to restore regional balance. It operates through incentives which promote investment in the less-favoured geographical areas of the national economy and in those areas which are significantly affected by the processes of industrial decline.

F29. It is the autonomous communities themselves which design the precise measures to be implemented within their respective jurisdictions. These are communicated to central government so that they can be included in the current *Plan de Desarrollo Regional* (regional development plan).

F30. Central government has not interfered in the proposals coming from the autonomous commu-

nities to distribute the European regional funds allocated to projects falling within their jurisdiction.

F31. Thus central government and the regional governments have, by way of consensus, designed a regional development policy which is linked, in the majority of the cases, to the industrial policy, on the basis of the following parameters:

- maintenance and consolidation of areas with greatest capacity for adaptation to change and high levels of independent economic vitality;
- concentration on incentives to arrest the decline of the Cantabrian cornice and thereby restore this area to its former potential for self-sustaining growth;
- use of the positive territorial dynamic which has affected the Mediterranean axis, in order to provide incentives to the south-east and southern areas of Spain;
- designing of a positive strategy of structural change to arrest decline which can be noted in the regions of Extremadura, Galicia, both Castilles, the Canary Islands, and the North-African enclaves of Ceuta and Melilla.

Local policies

F32. There is no local industrial policy as such in operation in Spain, although the facilities which certain local authorities may offer for industries to locate within their municipality, may constitute a certain type of very specific location policy.

F33. Such policies cannot meet all the needs of an area or region. Instead, they are aimed at providing employment in areas suffering from particularly high levels of unemployment or emigration. These tend to be rural areas.

Leisure and tourism policy

F34. The dominance of the service sector to Spanish economy combined with the fact the main industrial nuclei of the EU lies outside Spain serves to highlight the importance the leisure and tourist sector for the future well-being of the economy.

F35. The tourist sector employs just over 10% of the working population in Spain and income ac-

counts for between 9% and 10% of the gross domestic product. It has developed mostly in coastal areas.

F36. As well as traditional coastal tourism, other natural areas are being considered as resources which have the potential to generate considerable tourism income. Although there are often certain restrictions on the use of the land, both national parks and natural areas (mentioned in Section D. Environmental protection/conservation), are beginning to be valued as a tourism resource and a means of reviving certain depressed rural areas.

F37. The 1962 *Ley de Centros y Zonas de Interés Turístico* was passed in the midst of the tourism boom and was designed to encourage the creation of zones dedicated to this productive activity. Since then no other comparable national law has been drafted.

European Union

F38. There are proposals for the use of European funds to renovate some of Spain's hotels in order to reduce the number of obsolete hotels. European funds to improve infrastructures and facilities in tourist zones also exist.

National policy

F39. Changes in tourism strategies, to encourage the integration of the tourist sector in regional economies, has led to the preparation of the *Plan Marco de Competitividad del Turismo Español* (Futures plan). This was drawn up for the period 1992-95, and has the potential of being extended. The objectives of this plan, which reflect main policies on tourism in Spain today, are:

- to create the conditions required for the self-sustained development of this sector by means of collaboration between all of the public administrative bodies involved and relevant social agents;
- to improve the efficiency of tourism activities and consolidate the competitiveness of the Spanish tourist industry;
- to encourage the participation of both the public and private sectors in the implementation of the plan;
- to maximise the social and economic benefits of tourism.

F40. This plan has infrastructure and environmental objectives which are directly related to Spain's historical and monumental heritage, as well as to the quality of the coastal tourist areas. It includes matters concerning the coordination between international institutions and improving and modernising facilities in the tourist industry.

F41. The economic resources to be allocated in 1994 to the *Plan Marco* from the National Budget are estimated by means of a common strategy for the whole sector. On this basis the policies for tourism in the autonomous communities and local authorities will then be developed.

F42. At the national level, apart from this plan, there are other spatial policies affecting tourism which have recently resulted in the creation of an Inter-ministerial Tourism Commission. This body is presided over by the Minister of Trade and Tourism and representatives of the Ministries of Economy and Finance, Interior, Employment, Social Services and Public Works, Transport and Environment. The purpose of this body is;

- to strengthen coordination and collaboration between bodies with competence in tourism development matters; central, regional and local government bodies;
- to coordinate all the activities of central government in the area of tourism;
- to encourage the receptiveness of other Ministries towards matters concerning tourism;
- to give priority to investments of a tourism nature.

F43. The existing problems, which are explained in the Futures plan, are mainly caused by serious deficiencies in infrastructures, communications, transport, environmental matters, personal security as well as a surplus accommodation (of the 2 000 000 vacant flats/houses in Spain at the present time, 1 200 000 of them are tourist flats/houses). Solutions to these problems require improvements in infrastructure and the need for careful planning and viability studies prior to the granting of any new permits, in order to avoid exacerbating the excessive supply of hotels and apartments in tourist areas.

Regional policies

F44. The overall responsibility for tourist activities is currently a regional competence. Regional planning instruments have to include provisions

which are likely to encourage improvements in and protection of areas given over to tourist activities.

Local policies

F45. It is also true to say that tourism is also local authority competence. Moreover, the autonomy at a local level to plan the territory within its jurisdiction has brought about some serious problems. This is due to the lack of a global vision of many local authorities when granting permits for the construction of buildings destined for tourism purposes within their jurisdiction.

Environmental policy

F46. The fundamental philosophy adopted in Spain with respect to environmental policy is based on the notion that economic development has to be achieved by means of various measures. Technological development, employment creation, proper territorial planning and a policy for the preservation of the environment are all compatible, and can lead to a higher level of environmental quality.

F47. Environmental policy in Spain, in accordance with the principles established by the EU, and paying particular attention to approved Action Programmes, demands a position which integrates environmental protection as an inherent condition for economic development. Particular emphasis is placed on those aspects of policy related to environmental problems that are characteristic of the Mediterranean region, such as soil erosion, the protection of the vegetation cover, forest fires, the re-use of water resources and water purification.

European Union

F48. Spain has accepted European Union principles and directives in this area, integrating them into national legislation and into the programmes promoted by public bodies. The arrival of the single market implies the need to harmonise in environmental policy, although the starting points of the Member States are very different. In this regard, the Spanish environmental conditions allow room for manoeuvre due, fundamentally, to lower levels of industrialisation and a rich natural base, both in flora and in fauna.

National policies

F49. Basic environmental protection legislation is national in character. It consists of a number of elements including the *Real Decreto Legislativo* 1302/1986 on the evaluation of environmental impacts, drafted as a result of the approval of Directive 85/377 of the EEC on the evaluation of environmental impact, the *Ley de Conservación de Espacios Naturales* to promote and protect the different categories of natural space, the *Ley de Protección Atmosférica*, to protect the atmosphere, the *Ley de Aguas*, to protect water as a scarce resource and the *Ley de Costas*, to protect the coastal fringe. All of these laws, at least to some extent, have the potential to limit development in certain areas of the country.

F50. Central government policies, aimed at improving the environment, are concentrated in the following areas:

- protecting and managing natural spaces and the creation of networks;
- encouraging the creation of infrastructures and facilities of a supra-regional character for the management of industrial waste;
- 'end of the line' financing of programmes and projects for the management of industrial waste products and the purification of urban waste water;
- executing measures on the coast aimed at the regeneration of the Spanish coastal fringe;
- creating a national networks of information and control over contamination (atmospheric, rivers and lakes, sea, waste products, etc.);
- creating infrastructures and facilities for fighting marine contamination;
- restoring and protecting river banks;
- restoring the rural environment affected by public works to recreate natural environments;
- executing measures for integrated waste recovery and promoting sustainable development;
- financing 'end of the line' projects for the use of clean technologies and non-contaminating productive processes in industry;
- forestry restoration to help hydrological management.

Regional policies

F51. The policies of the autonomous communities, as these relate to the environment and within the remit of their jurisdiction, are aimed at achieving the following objectives:

- creating infrastructures and facilities for the management of industrial waste products and recovering of contaminated land;
- establishing aid to finance clean technologies and non-contaminating productive processes in industry (the minimisation of emissions, liquid outflows and industrial waste), fundamentally in the agro-food and chemical sectors;
- creating of supra-municipal infrastructures for the purification of urban waste water and for the management of urban waste products;
- restoring forest areas in the fight against erosion;
- managing natural spaces, according to regional networks and plans;
- establishing measures for integrated waste recovery and promoting sustainable development;
- creating supra-municipal networks for vigilance against air pollution.

Local policies

F52. Local government environmental policies, within their specific jurisdiction, are concentrated on the:

- creating infrastructures and facilities for the management of urban waste products;
- increasing the selective collection of waste products and their subsequent recycling;
- creating infrastructures and facilities for the purification of urban waste water;
- diagnosing and vigilance over, air quality in the cities.

Transport policy

F53. Various activities linked to the transport sector have great importance within the national economy. The sector accounts for 5 % of GDP,

represents 13 % of family budget spending and 6 % of total expenditure incurred by the public administration. Transport services provide employment for almost 700 000 people, 6 % of the total active population in Spain.

F54. The construction and use of infrastructures is also very important representing almost 25 % of GDP. Transport and infrastructure policies are very important in the sphere of economic activity. Transport links condition the competitiveness of the economy through distribution costs and comparative advantages from a regional perspective.

F55. The quality and capacity of transport infrastructures appear to correlate highly with both income and occupation indicators, thus indicating an important role in the development processes.

F56. The definition and development of key transport infrastructures in Spain are strongly conditioned by its peripheral situation with respect to European centres of activity, by its topography and by the markedly unequal distribution of population.

F57. High levels of spatial imbalance, characteristic of the Spanish territorial structure, lead to an over-sized transport system in order to meet demand peaks without sacrificing quality criteria. This causes the system to produce relatively low levels of social return.

F58. Added to these territorial imbalances are problems associated with the intensity of seasonal tourist traffic. This is concentrated in certain tourist areas during peak holiday periods and focused on various airports and road networks.

F59. In general, transport infrastructures in Spain have been, and continue to be, subject to relatively high levels of demand in relation to their capacity, although this situation varies in different parts of the country.

F60. In order to coordinate all the measures on transport infrastructure development over the next 15 years, the Ministry of Public Works has prepared the *Plan Director de Infraestructuras* (PDI).

European Union

F61. The Treaty of Rome, signed in 1957, by way of Article 3, for the establishment of a common

policy in the transport sector, was, without doubt, motivated by both the importance of transport as an integrating measure between Member States and its potential impact in achieving the goal of a common economy. Such ideas are evident in Spain's transport policy.

F62. Spain's entry into the EEC in 1986 coincided with an intense phase of de-regulation in the transport sector, and the liberalisation packages associated with marine and air transport in 1986 and 1987 formed a significant part of this programme.

F63. In 1992 the so-called third package of air transport liberalisation measures were approved. In the short term these will impose strong competitive conditions on the operators, altering the state of the market.

F64. The new rules are particularly aimed at aspects related to the use of services (the defence of competition, unfair trading practices, equality of access to the market, consumer protection, and technical, social and physical harmonisation).

F65. It does not appear likely that the effects of these rules will alter the modal division, which in essence is that which results from the planning of infrastructures derived from a transport policy.

F66. As a consequence of these changes, the *PDI* takes into account the fact that the new regulatory reality might strengthen certain forms of infrastructure, such as the bigger airports, but it is the structural configuration of the system that will change substantially.

F67. Furthermore, transport and communications are expected to play a basic role in the new economic order of the European Union, strengthening both the expansion and permeability of markets, favouring mobility and accessibility at a social level and helping to correct the imbalances associated with the general characteristics of regional development.

F68. In the medium term, the quality of the environment will constitute a differentiating element within the old Europe. The protection of the environment has been incorporated into the objectives of economic policy as a basic conditioning factor for sustainable economic development.

F69. In this way, both the construction of new infrastructures and the use of those already

existing in the urban environment, will require extensive improvement. This can most clearly be seen in peripheral countries such as Spain.

F70. As a planning instrument, the *PDI* plays an integrating role between Spanish transport policy, the objective of European convergence and policies for the conservation of the natural environment. The *PDI* seeks to incorporate Community principles of environmental policy, the treatment and reduction of environmental problems at their source, the internalisation of environmental costs and meeting the aspirations of the 5th Programme of Community Action on the Environment and the international obligations derived from the Environmental Earth Summit Meeting held at Rio de Janeiro.

F71. The approval of the European Combined Transport Network represents an obligatory point of reference in bringing the key transport axes which it identifies up to an appropriate level. It also represents a first step in support of the realisation of this network, which must be complemented by better coordination between the different railway companies in order to reduce incompatibilities of use, and road and rail strategies should be combined in order to develop bi-modal transport strategies.

National policy

F72. Central government has concentrated all its transport policies in the *PDI*. Some of its characteristics have already been described.

F73. This plan comprises several parts, and contains specific reference to large transport networks traffic in urban environments, and bodies which manage transport especially from an inter-modal point of view (Renfe, Iberia, airports, ports, railway stations).

F74. A strategy for the allocation of the funds controlled by the State has been established so that the allocation of resources is coherent and in keeping with a territorially-orientated strategy.

F75. This strategy tries to ensure that other Ministerial level activities are coherent and concerned with improving the competitiveness of towns and cities.

F76. The plan dedicates the whole of its second section to transport, and is divided into two sub-sections, inter-urban transport and urban transport.

F77. The *PDI* proposes an integrated plan for transport infrastructures within a long-term perspective. It has the capacity to structure the territory, improve accessibility and provide an impetus for development, increase the competitiveness of the productive system and attempts to guarantee levels of equality that are appropriate for a welfare State.

F78. The starting conceptual point of the plan has been an inter-modal vision of the transport system which seeks to assign the most efficient role to each mode. Consideration is given to demand requirements, the total cost of the strategy and historically observed tendencies.

F79. Without doubt, the road network will continue to be the dominant mode in the system. It is therefore necessary for this network to guarantee access to the whole of the national territory and spread the capacity for development throughout the Spanish economy.

F80. The other modes are becoming ever-more specialist in their nature. As a consequence their capacity will have to be directed towards those demands which, by their volume or by their quality requirements, are specifically adapted to the characteristics of the supply offered. This specialisation will be developed within an increasingly competitive framework, in which the principle of the freedom of the user will reveal itself in the process of modal selection. This will be a function of the cost and the quality of each service offered.

F81. Transport policy also considers the social costs associated with each mode. In defining measures and policies, it has prioritised the following which are the subject to preferential action:

- high accident rate on the roads (particularly involving private vehicles);
- road congestion especially in the urban and metropolitan areas.

F82. To address such problems a policy to promote an increase in the use of public transport and, particularly, rail has been adopted. Such a policy is conditioned by the efficiency of the rail system which requires high volumes of traffic in order to justify the high operating costs which its use requires.

F83. A vital prerequisite for the efficient functioning of the transport system is an increase in

the level of integration between the various modes. Therefore, improvements in the inter-modal connection infrastructure and strengthening combined transport, by means of technical harmonisation measures and the creation of inter-change centres, represent a fundamental element of policy contained in the plan.

F84. The model of the system which is sought must be increasingly sensitive to and respectful of the environment. This consideration has led to an appropriate selection of the strategy and routes to be developed. Careful execution of the projects, in accordance with the directives of the European Union will be pursued.

F85. Priority must be given to resolving existing bottlenecks or those which can be forecast in the medium term. This will help to alleviate limitations on economic growth in specific areas because of a lack of capacity in the transport system.

F86. The plan also provides for the improvement of modal inter-change centres, responding to the appearance of new bi-modal techniques and to the national and international growth in transport, in part associated with the European Combined Transport Network.

F87. It is planned to create and promote large inter-modal transport logistic centres. Agreements designating Logistical Activity Zones (LAZ) will be made between central, regional and local governments.

F88. Transport policies in the complex urban and metropolitan environment will require careful intervention. There is the local demand for transport, the land-use patterns in the locality, the interrelationship between urban development and transport infrastructure, as well as the specific responsibilities of the three levels of government.

Regional policies

F89. Clearly, the measures contemplated by the plan refer to the infrastructure and transport networks which fall within the jurisdiction of the State. In addition further improvements to the transport networks can be made through actions which are dependant upon regional governments and local authorities.

F90. The transport policy of the autonomous regions is limited to the exploitation and use of the networks which have been developed entirely

within their regions, such as regional road and local rail systems.

F91. Specific regional road and rail projects are closely linked to improving levels of access and the frequency of interchange between municipal districts belonging to a metropolitan area or large conurbation.

Local policies

F92. The phenomena of inter-modality is most clearly seen in the urban environment. This refers both to the choice of transport mode and to interchange facilities.

F93. It is also at the local level that the overlap between inter-urban and local transport infrastructure occurs. It is here where the demand for long-distance transport and local or suburban transport meet and where often all these transport forms use the same infrastructure. It is also in this environment where access to and dispersion from transport terminals takes place, namely in ports, airports and railway stations.

F94. The principles established for transport policy in the urban environment are presented within a framework of institutional agreements based upon: continuous planning, permanent debate and the recognition that it is impossible to maintain planning at a central level.

Economic development policy

F95. The first general mechanism in Spain for the correction of regional imbalance was the *Fondo de Compensación Interterritorial* (Inter-territorial Compensation Fund) which appeared for the first time in the National General Budgets of the late 1970s. By 1985, Spain had established a policy of *Incentivos Económicos Regionales* (regional economic incentives), which was developed in order to fulfil the provisions of the Constitution, namely promoting a fairer distribution of income, trying to guarantee implementation of the principle of solidarity, and by establishing fair economic balance between the different parts of Spanish territory.

European Union

F96. Areas in which these incentives are available are indicated in the *Reales Decretos* of delimita-

tion which apply the basic EU regulations to each defined area. The designation and geographical delimitation of the areas to be promoted by European regional investment incentives was made through the Commission's Notification to the Spanish Government of 1 June 1987. This gave authorisation to identify a series of areas as possible candidates for the award of grants for regional development purposes, in a way which was compatible with the principles of free competition and the common interests of the Member States as defined by Articles 92 and 94 of the EU Constitutive Treaty.

National policies

F97. National policies for economic development are applied to three types of area;

- areas of economic promotion (*ZPE*);
- industrialised areas in decline (Asturias, Cantabria, Ferrol and Extremadura) (*ZID*);
- special areas.

F98. The duration of the first and last of these designations comes to an end when the Government decides, primarily when the causes which motivated their creation have disappeared. The *ZIDs* have exceeded their expected duration and successive extensions. They have not overcome the problems which motivated their creation. As a result there has been a tendency to increase area of the *ZPEs* to include the former *ZIDs*. This has been achieved by means of relevant *Reales Decretos*.

F99. This system of regional incentives works as one of the main instruments of regional policy, whilst at the same time respecting the principle of free competition. Of the different incentives covered by the Regulation (*Real Decreto* 1535/1987), only outright grants for approved investment has been used to date. This instrument has been preferred over others (for example of a tax or credit type) due to its transparency, greater flexibility and simplicity of management for small and medium-sized companies.

Regional policy

F100. Policies for regional incentives for the siting of industries are also drafted by each of the autonomous communities. Most of these regional decrees have the following common characteristics:

- provisions to purchase and urbanise the land involved in the operation;
- granting of low interest loans or grants and other incentives for the siting of industries.

F101. The net grant provided for by regional financial aid is calculated according to the procedures determined by the European Commission.

F102. With regard to spatial planning related to the granting of funds successive *Planes de Desarrollo Regional* for Objective 1 regions (regional development plans) have been developed. These are of a binding nature which can help re-structure the spatial connection in different areas. These *Planes de Desarrollo Regional* also contain measures other than those relating to specific policy on regional incentives. The most important elements of policy to receive funding include efforts to improve territorial integration and articulation, infrastructure to support economic activity, and policy initiated some 10 years ago to improve levels of accessibility and create better infrastructural networks.

F103. With respect to existing policies for Objective 2 and 5b regions, Operative Programmes were approved for Aragón, Cantabria, Catalonia, Madrid, Navarre, the Basque Country and Rioja during 1992 and the first few months of 1993.

Local policies

F104. According to the 1991 Census, there are 8077 municipalities in Spain, of which 98% had fewer than 50000 inhabitants. This represents 48% of the total population. Some 33% of the total population is found in 104 municipalities which have between 50000 and 500000 inhabitants. The other 19% live in the six municipalities which have populations greater than 500000 inhabitants.

F105. In order to determine the importance of the local public sector in economic policy, it is sufficient to note that in 1992 the local authorities and municipal or provincial councils executed 30% of real public investment.

F106. Support to the local public sector is reflected in the activities to be carried out and thus identified in the *Plan de Desarrollo Regional*. These include:

- territorial operative programmes;
- individual programmes for large local authorities;

- programmes prior to the reform of the Structural Funds;
- local operative programme (1991-93).

F107. The local operative programmes for 1991-93 are the result of cooperation between the municipal or provincial councils and local authorities and/or island councils for municipalities of less than 50000 inhabitants. They operate within a framework which brings together structural and territorial strategic planning which ensures that the Objective 1 Support Framework and that of the National Local Economic Cooperation Programme (*Real Decreto* 665/90 of 25 May 1990) are coincident. Normally they are structured into three subprogrammes:

- territorial integration through road communications for rural areas;
- industry, services and crafts: diversification of economic activity by way of the creation of industrial zones;
- infrastructures in support of economic activity: the improvements to the integrated hydrological systems or the environmental conditions of rural areas.

F108. In the current *Plan de Desarrollo Regional 1994-99*, the coverage of these activities has been extended to municipalities with larger populations. Now municipalities or metropolitan areas with populations of more than 500000 can consider developing such an approach. In such areas the collaboration of central and regional investment is directed towards encouraging urban development.

Natural resources policy

F109. Of all of Spain's natural resources, water is given the highest priority. As a resource in general terms, it does not satisfy basic needs. Water resources are unequally distributed between northern areas with general surpluses and southern areas with blatant shortages. A balance may be able to be achieved when the measures and activities set out in the *Plan Hidrológico Nacional* (National Water Resource Plan) are put into operation.

F110. Average annual rainfall over Spanish territories amounts to 670 mm, being its equivalent

about 340 000 hm³ of water. Evaporation losses account for about two thirds of this rain, leaving a natural average annual contribution of 114 000 hm³. Without dams, winter or wet years volumes would be lost with no possibility of it being collected and used in drier periods of the year.

F111. Water resources (surface or subterranean), naturally regulated by the peninsular hydrographical network are able to provide average volumes of supply guaranteed to reach about 9 200 hm³ annually. In other words, about 8% of natural water resources requirements for the peninsular Spain. This compares with the rest of Europe where about 40% natural water resources can be used to satisfy demand.

F112. Another characteristic of Spanish rainfall is its uneven spatial distribution. With an annual average rainfall of 1.473 mm in coastal Galicia, and 1.315 mm in the northern basin, values fall to 544 mm in the Jucar river, 380 mm in the Segura river, and 316 mm in the Canary Islands.

F113. Compounding this problem is the fact that potential evapotranspiration is much higher in southern and eastern river basins. The inevitable consequence is that average natural flow of Spain's rivers is even more unbalanced.

F114. Thus a situation exists, where despite average amounts of rainfall seeming to be satisfactory, a highly problematic situation exists in some southern and eastern zones, and the Canary Islands.

F115. Because some Spanish rivers share common basins with Portugal, it is obvious that policies concerning the best use of water resources have to be discussed with Portuguese administration.

European Union

F116. European Directive 91/271 on treatment and disposal of polluted water requires urban agglomerations to develop adequate drainage and sewerage systems by certain fixed dates. The earliest dates corresponding to the highest pollution levels and the negative impacts of untreated water.

F117. In known problem areas the aim of establishing proper water treatment systems by the prescribed dates have been included in the many different plans approved both by central and regional administrations.

National policy

F118. The main principles of a water resource policy are included in the National Water Resource Plan.

F119. The drafting of the plan is controlled by the National Water Council. This comprises government representatives, farmers, experts and local authority representatives, as specified in the former *Ley de Aguas*. The time period proposed by the Plan is 20 years (1993-2012) giving it the character of *Plan Director Del Agua*. It has the opportunity of introducing programmes of several years' duration, which can be reviewed every five years, with specific objectives and budgets.

F120. The objectives of the plan are:

- to eradicate water shortages in certain areas by water transfers, thereby allowing the redistribution of the country's water resources;
- to improve the infrastructures of areas in which irrigation schemes can be implemented in order to increase production;
- to reduce the growth of human water consumption;
- to improve the efficiency of existing water systems;
- to satisfy demand whilst paying attention to the need for a minimum environmental flow in water courses;
- to increase the use of unconventional water resources.

F121. These objectives are initially to be put into effect by five water transfers projects, and after they have been declared to be of general interest by law the subsequent execution of others within a three-year period. This will increase water transfers from the present 550 hm³ to 3 210 hm³.

F122. The latest estimates indicate an expected growth in urban demand of 1.25%. A study is currently being carried out into the use of the pricing mechanisms to manage water consumption, with the probability of setting different prices according to the use to which it is put.

F123. With regard to the *Plan Director de Infraestructuras* (see Section D. Major infrastructures) this plan has been drafted by environmental experts and is thus concerned with protecting the

quality and not the quantity of water. This latter issue is dealt with in the *Plan Hidrológico*.

F124. In 1994, 87 % of the entire budget allocated by the *Moptma* as part of the programme 'Water Resource Management and Infrastructure', was directed towards investments such as the construction of dams and reservoirs, river channelling and defence works to protect against flooding, improvements and modernisation to existing irrigated land, desalination plants in the archipelagos, conservation and maintenance of existing infrastructures and the recovery of Spain's historic water patrimony.

Regional policies

F125. Water resources policies at the regional level are linked to environmental policies, and are mainly directed towards establishing programmes both for the development of sewerage-treatment plants and reducing the use of purified water for activities where it is not essential such as irrigation and streets cleaning.

F126. There are also trends towards establishing more stringent controls on water consumption and increasing the amount of purified water.

Local policies

F127. Following on from central and regional policies, local policies in Spain focus on improvements to the drainage and sewerage systems in cities. The execution and/or enlargement of existing systems, is usually undertaken as part of coordinated and thereby cofinanced programmes with regional administrations.

Heritage policy

F128. Policies for the preservation and conservation of historical buildings and monuments in Spain follows two distinct routes:

- That contained in *Ley 13/85* of 25 June 1985 *del Patrimonio Histórico-Artístico*, on Spain's historical heritage. It is in force in those autonomous communities which do not have their own legislation. By virtue of the Constitution, the autonomous communities may assume competencies in the matter of monumental heritage which is in the interest of the region and which affects buildings and individual items of an artistic, historical, paleontological, archaeo-

logical, ethnographic, scientific or technical interest or other elements contained in the law.

- That contained in the numerous land planning instruments of a protectionist character which exist and whose fundamental document, together with the Protection Rules, is the listing (see Section B. Policy Instruments. Other instruments) of the elements to be protected. Conservation and protection of the old parts of towns or historic centres in Spain has the peculiarity of generally operating through the development type framework of the *Planes Especiales de Protección* or the *Plan de Reforma Interior*.

European Union

F129. There are several European Union programmes which have bearing on Spain's heritage policy such as the URBAN programme, and Programme for Conservation of European cities.

National policies

F130. The more important elements of national law are:

- The detailed regulation of the Assets of Cultural Interest (*BIC*), which can be declared as being either individual buildings or historical groups, historical sites or archeological zones. All collective declarations require the drafting of the corresponding *Plan Especial de Reforma Interior* by the local authority.
- The possible declaration of an integrated rehabilitation area, and the listing of buildings in conformity with that provided for in *Ley del Suelo*.

F131. Main national policies, contained in this *Ley del Patrimonio* involve:

- the proper conservation of buildings declared as *BIC*, or included in the collective declarations; or
- the rehabilitation of these buildings in accordance with architectural and aesthetic guidelines which are appropriate to the value of these buildings.

F132. In order to be effective, the law establishes the following measures:

- preferential access to official credit;
- for each item of public works with a budget of more than ESP 100 million, at least 1 % of the

funds will be provided from central government. This is designed to finance the conservation or enrichment of Spain's historical heritage;

- various tax exemptions which require the express declaration of the building in question and its entry into the appropriate registry.

F133. As competencies on heritage are shared between central government and autonomous communities, the activities of central government in this area is limited to the following:

- the conservation of protected elements of a national character;
- the restoration of theatres, for which the Ministry of Public Works has funding available;
- the establishment of measures to encourage rehabilitation, contained in the *Planes de Vivienda (Plan 1992-95 and Plan 1996-99)*, following the general directions in global economic policy.

Regional policies

F134. The activities of regional Governments involve:

- the declaration of *BIC*'s in their area of influence and with a regional character;
- the drafting of their own normative framework;
- the direct control of the activities of the local authorities in this matter by way granting final approval of their planning instruments;
- the establishment of measures that are complementary to central government to encourage rehabilitation. This is done by drafting corresponding decrees and the signing of agreements with the central administration;
- the establishment of public or mixed companies as and when appropriate which guarantee the execution of certain types of operation which reclassify specific spaces and represent an incentive for access by private initiative.

Local policies

F135. In reality, the approach followed by the great majority of Spanish municipalities in terms of heritage policy has been the development route by drafting of corresponding plans. In Spain's historical centres there exists, in general,

good passive protection (prohibitions on doing or acting) but poor active protection (an absence of incentives measures of control, and thus a high number of abandoned ruins, etc.) even though Spain is today the European country with the highest number of cities to have been granted Unesco World Heritage status: Cáceres, Toledo, Segovia, Salamanca, Avila, Granada and the old centre of Santiago de Compostela. Despite this acknowledged limitations there are for the moment, there is no real pressure to change this approach.

F136. The activities of local governments are directed at:

- delimiting those precincts and/or buildings which, within their municipal area, should be subject to some form of protection;
- the drafting of planning instruments that are appropriate to achieving the desired protection objectives;
- the search for sufficient funding to enable the correct management of these plans;
- the establishment of management bodies or agencies similar to the regional heritage agencies, and with similar aims. The existence of mixed local agencies are often more operative.

F137. Policies and plans of this type are found in the majority of Spanish cities, with very unequal results.

Waste management and pollution policies

F138. Policies in this sphere are directed towards the fight against water pollution, as seen in *Plan Nacional de Saneamiento y Depuración de Aguas Residuales* and in *Plan Hidrológico Nacional*.

F139. These policies are complemented with those directed towards the collection and disposal of urban solid waste, waste with no economic value or with a negative impact upon the natural heritage and the environment.

F140. The importance of waste as a policy field is due to the fact that it affects the two natural and finite resources, water and land.

European Union

F141. In addition to the specific investments dating from 1994 for the improvement of water quality as part of the Programme of Basic Actions for the Improvement of the Environment, an additional budget has been approved which will be invested in drainage and sewerage infrastructure, sewerage treatment plants monitoring of water quality of water and the management of public water resources. The aim is to overcome the present shortcomings in this type of infrastructure within the time limits set out by European Regulations and in particular by Directive 91/271/EEC concerning urban waste water.

F142. In order to stabilise or diminish the emissions of CO₂, SO₂ and NO_x by year 2000, the *Plan Energético Nacional*, has fixed the limits for the emission of polluting gases. These targets have been set in accordance with European Directives and Conventions on Long Distance Transborder Pollution and associated protocols.

National policies

F143. Waste management is a matter of considerable importance. Both the area of solid waste management (the siting of rubbish tips and waste treatment plants), and liquid waste management, particularly given the impact of this waste on the quality of the coasts, are considered in the *Plan Nacional de Saneamiento y Depuración de Aguas Residuales* (National Plan on Drainage and Sewerage).

F144. This plan is set to eradicate the disposal of untreated water through different actions coordinated between central, autonomous and local administrations.

F145. With regards to solid waste, the average quantity of rubbish produced per person per year is 300 kg. This highlights to the need to establish a legal regime for planning the collection, treatment and monitoring of waste in order to ensure the protection of the environment and subsoil and to encourage the recycling.

F146. A legal regime was established for the first time in the Law 42/75 of 19 November 1975 'Collection and treatment of urban rubbish and solid waste' partially amended by the *Real Decreto Legislativo* of 13 June 1986 which incorporated and defined the concepts of the management, treatment and elimination of waste.

F147. In relation to industrial waste, the *Plan de Desarrollo Regional* considers the drafting of a new *Plan Nacional de Residuos Industriales* (National Plan on Industrial Waste) with the following objectives:

- to guarantee the correct management of toxic waste in order to protect health and safeguard the environment;
- to encourage the recovery of waste matter, whenever viable;
- to promote the development and use of clean technologies in production processes.

F148. Funding required to fulfil all of these policies has been limited. Finance is currently only available from the General Directorate of Environment, post of the Ministry of Public Works. Up to now it has had a responsibility to deal purely with matters related to planning. Through by assuming responsibility for implementing European Directives, is expected to open a new budgetary line.

F149. There are several laws which regulate air pollution, but the cornerstone is the *Ley 38/1972* of 22 of December. Subsequent *Decretos* have laid down maximum levels of permitted air pollution and the means of monitoring this. Each region, can also have its own legislation.

F150. Generally the Air Law provides that public authorities may adopt whatever measures are necessary to protect the atmosphere. More specifically, *Real Decreto 833/1.975* lists activities which are potential sources of pollution. This includes most heavy industry and certain types of other factories. There is a general prohibition on the expansion or starting of any activity set out in this list until the relevant Ministry has been notified and approved the levels of emission.

F151. In respect to action to improve air quality, administrative policies tend to establish controls on atmospheric pollution, especially related to SO₂, particles in suspension and black smoke, NiO₂, CO and plumb. They are also directed towards ensuring that Spain meets its commitments as part of the EMP Programme, and the Bapmon World Network for Long Distance Atmospheric Pollution.

Regional policies

F152. Central administration can set the general requirements for the mode of waste disposal;

what sort of sites there should be and the means of disposal (whether landfill or incineration, for example). The State has no competence, however, to allocate specific sites for waste disposal. This is a matter for the governments of the autonomous communities.

F153. At the present time all the autonomous communities have prepared solid waste management plans which cover almost all of their territorial area. Some of these plans are at a local level and managed by individual communities and others, at a provincial level, run by associations.

F154. When producing a waste disposal plan for their area, the autonomous community must consult affected municipalities which can, if they object to the proposals, require the proposed plan to be withdrawn.

F155. Enforcement of air quality measures as prescribed by the air laws is by the appropriate autonomous communities, in conjunction with the *Red Nacional de Vigilancia y Previsión de la Contaminación Atmosférica* (national network for the monitoring and forecasting of atmospheric pollution). This network is part of the National Directorate for Health.

Local policies

F156. The obligation to deal with solid waste matter falls to local authorities (Art. 25.2.1. of the *Ley Bases del Régimen Local*) and for this purpose they must designate legally authorised rubbish tips which should be located at sites under control, avoiding any damaging effect to the soil, vegetation and wildlife.

F157. In the case of toxic or dangerous waste, local authorities must adhere to the provisions of

Law 20/86 of 14 May 1986 *Ley de Bases de Residuos Tóxicos y Peligrosos*, the regulation for the implementation of this law having been passed by *Real Decreto* 833/88 of 20 July 1988.

Conclusions

F158. All these policies are intended to promote the overall goal of achieving a better quality of life, and to fulfil all compromises contracted both from the approval of Spain's 1978 Constitution, and the inclusion of Spain into the European Union.

F159. A key element is the re-balancing of territory through the establishment of transport, industrial location and economic development policies. All these policy areas are coordinated in the corresponding *Plan de Desarrollo Regional*, and in the *Plan Director de Infraestructuras (PDI)*, which are the main planning and development instruments at the national level.

F160. Self evidently, tourism, housing, natural resources and waste policies, are all closely related to transport policy. This is because one of the key factors for the development of certain activities and indeed the urban nuclei is increased accessibility, though always in the context of sustainable development.

F161. Most of the policies included in this section have been agreed between all levels of the administration involved or where there is specific competence in particular policy areas respecting the actions of others. The intention is to try to improve the impact of public resource use and avoid incompatibilities in actions between sectors and levels of administration.

APPENDICES

Appendix I: Glossary

Aprovechamiento urbanístico

Number of square metres that is authorised to be built upon in an allotted area, in accordance with the stipulations of the *Plan General*.

Area de Reparto

Portion of urban or developable land of similar building characteristics in terms of use and intensities of use, used for the distribution of benefits (average profit) and burdens (facilities) for the correct implementation of plans.

Catálogos

List of protected buildings, monuments or any urban elements, used in *Planes Especiales de Protección* for protection by listing. They can also be used for protection by listing of natural elements when talking of *Planes Especiales* undevelopable land.

Cédula urbanística

Document issued by local administration at the requirement of a developer expressing the conditions for the development of a particular piece of land according to dispositions contained in current plan.

Centro de Gestión Catastral y Cooperación Tributaria

Administrative organism that controls land property in Spain in order to manage the land income tax.

Comisión Provincial de Urbanismo

This administrative organ which is today called the *Comisión Territorial de Urbanismo*. It is the body with powers for the approval of planning instruments that, according to law, cannot be approved by local administration.

Compensación

Management system for the implementation of plans. It is used by private landowners who carry out all the development at their expenses and, once finished, the developers yield all facilities, and the portions of land necessary to settle the obligatory percentage of profit set by law, to administration.

Comunidades Autónomas

Intermediate level of administration between central, and local government. It's powers are derived from the administrative configuration of Spain approved in the Constitution of 1978. Similar to regions.

Convenio Urbanístico

Development agreement signed between administration and private developers for any development out of plan. It is normally associated with a higher level of free facilities for administration and/or other kinds of compensation. The system responds by amending the plan.

Cooperación

Management system for the implementation of plans. It is used by administration on privately owned land. The administration carries out all the development at the expense of private landowners, and, once finished, landowners obtain the plots to be built, and administration receives all facilities, and the portions of land necessary to settle the obligatory percentage of profit set by law, to administration.

Cortes Generales

National Parliament

Declaración de Obra Nueva

A declaration that a new building is finished according to the building permit and has passed all inspections considered by laws and norms. This is necessary for the registration of the building on the property register.

Diputación Provincial

Provincial council.

Diputaciones Forales

Provincial councils in the Basque Country and Navarra.

Directrices de Ordenación del Territorio

Land-use planning guidelines, used in some autonomous communities.

Estudio de Detalle

A planning instrument used for small portions of urban land to re-distribute the location of urban profit maintaining the basic parameters of the plan.

Expropiación

Management system for the implementation of plans. Administration acquires the land through compulsory purchase and then carries out all the development on public land with public funds. Once urbanisation is finished, the administration can either build subsidised homes at its own expense, or place the urbanised land onto the market for private investors to build subsidised homes. It can also be used for industrial development.

Fondo de Compensación Interterritorial

First general mechanism used in Spain to try to correct of regional economic imbalances.

Fueros

Special laws of the Basque country and Navarra.

Impuesto sobre Bienes Inmuebles

Land income tax, or property tax.

Incentivos Económicos Regionales

Policy established in 1985 to promote a fairer distribution of regional income and guarantee fair economic balance between regions.

Instituto Nacional de Colonización

National institute that operated in the 1940s to colonise economically depressed areas in Spain.

Instituto Nacional de Reforma y Desarrollo Agrario (IRYDA)

A national institute promoting reform and development in the agricultural sector.

Instituto Nacional para la Conservación de la Naturaleza (ICONA)

A national institute promoting nature's conservation.

Junta de Compensación

A temporary group of all the landowners formed to meet the conditions associated with the development of a particular area of land. The local administration is also represented in this grouping.

Ley de Aguas

National Water Law passed in 1985, which was supposed to completely change in the concept of water property in Spain, making it always of a public character.

Ley de Bases de Régimen Local

National law which sets the basis for the operation of local administrative system in Spain.

Ley de Bases de Residuos Tóxicos y Peligrosos

National law on toxic and dangerous waste.

Ley de Carreteras

National law on roads and motorways.

Ley de Conservación de los Espacios Naturales y de la Flora y de la Fauna Silvestres

National law for the conservation of natural spaces, and wild fauna and flora.

Ley de Costas

National law on coasts.

Leyes de Ensanche y Mejora

Laws dating from 19th century that constitute the first planning laws in Spain.

Ley de Espacios de Defensa Nacional

National law on spaces for national defence.

Ley de Espacios Naturales Protegidos

National law for protected natural spaces.

Ley de Evaluación del Impacto Ambiental

National law for the evaluation of environmental impact.

Ley de Ordenación de los Transportes Terrestres

National law on transport.

Ley de Patrimonio

National law on heritage.

Ley del Suelo

National land-use planning law. There have been three such laws in Spain, 1956, 1975 and 1990.

Ley Reguladora de la Jurisdicción Contencioso-Administrativa

National law for the regulation of contentious-administrative proceedings.

Licencia de edificación

Building permit. Needed before any intervention on built elements can occur or any new building construction can happen.

Licencia de Actividad

Activity Permit. In addition to a building permit an Activity Permit is also needed in for all cases when an industrial or commercial activity is being developed.

Licencia de Ocupación

Needed for the first occupation of a building. This occupation permit means that the building has been connected to all the relevant services and has passed a technical inspection.

Normas Complementarias de Planeamiento

Planning instrument used to complement determinations not sufficiently expressed in *Plan General*, when existing, or complementing determinations of *Proyectos de Delimitación de Suelo Urbano*, which are enacted by provincial authorities.

Normas Subsidiarias de Planeamiento

A planning instrument of a general type used in the absence of *Plan General* mainly by municipalities of medium-small size to plan the whole municipal territory. It is enacted by local powers.

Plan de Desarrollo Regional

Plans for the development of regions, and the consequent elimination of economic unbalances. When regions are mentioned in Spain, it can be understood as autonomous communities.

Plan de Espacios de Interés Nacional

A national plan on spaces of national interest.

Plan de Gestión de los Residuos Sólidos

A national plan for the management of solid waste.

Plan de Ordenación Territorial

Planning instrument of an autonomous type for the planning of a portion of territory.

Plan de Vivienda 1992-95

A national plan for housing. Housing policy in Spain is closely related to planning policy.

Plan Director de Infraestructuras

A national plan on infrastructures. It is the most ambitious plan ever enacted in Spain.

Planes Directores Territoriales de Coordinación

Land planning instrument contained in National Law for the planning of pieces of territory smaller than the whole nation and bigger than one or two municipalities. It could be the planning instrument used by autonomous communities, when they do not have laws or dispositions of their own.

Planes Especiales

Special plans. They can be enacted either for a portion of undevelopable land or for a portion of urban land. They are usually used for the protection of some particular characteristics of land, using *Catálogos*.

Planes Especiales de Protección

Special plans enacted in most cases by local bodies on urban land for the protection of ancient or historical quarters. They can also have other aims, such as protection of nature, landscape, archaeological sites, and so on.

Planes Especiales de Reforma Interior

Special plans redacted on urban land by local powers for the improvement of facilities or urban texture in degraded historical quarters.

Plan General de Ordenación urbana/Plan General

A planning instrument of a general type used in municipalities of medium to large size. It covers the whole municipal territory and is produced using local powers.

Plan Hidrológico Nacional

National hydrological plan.

Plan Nacional

A national plan intended to contain to cover the whole of the Spanish territory, though it has never been prepared.

Plan Nacional de Residuos Industriales

A national plan on industrial waste.

Plan Nacional de Saneamiento y Depuración de Aguas Residuales

A national plan on drainage and sewerage.

Plan Marco

Denomination for a plan which covers in a general way different dispositions.

Planes Parciales

Detailed plans used for the planning of *Sectores de Suelo urbanizable programado*. They can be prepared either by the administration or private initiative.

Planes Territoriales

Territorial plans used by some autonomous communities instead of *Planes Directores Territoriales de Coordinación*.

Plan Territorial General

A special kind of territorial plan used in some autonomous communities.

Planes Urbanísticos Municipales

Generic term used for any plan prepared for a municipal territory.

Programa de Actuación Urbanística

Urban action programme used to change a *Sector de Suelo urbanizable no programado* into *Suelo urbanizable programado* and, thus, enabling a *Plan Parcial* to be prepared and continue with development.

Programa Nacional de Medio Ambiente

A national programme for the environment.

Proyecto de Compensación

Project developed on or for one or some pieces of urban or developable land for the equal distribution of benefits and burdens derived from plan, when the development is taking place through *Sistema de Compensación*.

Proyectos de Delimitación de Suelo Urbano

Land planning instrument of the general type used in absence of *Plan General* or *Normas Subsidiarias de Planeamiento* to plan the territory of small or regressive municipalities.

Proyecto de Reparcelación

Project prepared on one or some pieces of urban or developable land for the equal distribution of benefits and burdens derived from plan, when the development is taking place through *Sistema de Cooperación*.

Proyectos de Urbanización

Works undertaken to ensure the urbanisation of a piece of land in order to meet the necessary plot conditions for urban development.

Real Decreto

A legal disposition.

Real Decreto Legislativo

A legal disposition.

Recurso Ordinario

Ordinary appeal.

Sector

A piece of land to be planned in a same operation, though works for its development can be made by phases. It is a planning unit.

Sistemas de Actuación

These are the three possible systems by which a piece of land can be developed and can acquire the necessary conditions to be considered a plot. They are named *Compensación*, *Cooperación* and *Expropiación*.

Suelo Apto para Urbanizar

Describes a piece of developable land when using *Normas Subsidiarias de Planeamiento* as main planning instrument of the municipality. This piece of land could start its development at any moment not having the *Normas* any specific timing for it.

Suelo No Urbanizable

Non-developable land in any planning instrument of a general character. Any building on this type of land is forbidden.

Suelo No Urbanizable Protegido

Non-developable protected land. Building in this type of land is forbidden and specifically punished. Such protection is often the object of preparing *Planes Especiales*.

Suelo Urbanizable No Programado

Piece of developable land when using *Plan General* as main planning instrument of the municipality. This piece of land so designated cannot be developed until it has been turned into *Suelo Urbanizable Programado*. This change can be made either by *Programa de Actuación Urbanística* or by the review of the Programme of the Plan when programming periods have been passed.

Suelo Urbanizable Programado

Piece of developable land when using *Plan General* as main planning instrument of the municipality. This piece of land has a defined moment when development should occur. This time is specified in the plan, normally is in the first or second years of the four-year plan normally being in force.

Suelo Urbano

Urban land in any planning instrument of a general character. Land obtains this qualification either by the existence of services and facilities, or by the existence of a determined degree or percentage of building consolidation.

Texto Refundido de la Ley de Régimen del Suelo y la Ordenación Urbana

Current land use planning national law. It has been passed in 1992 and is the recasted text of previous laws of 1976 and 1990.

Unidad de ejecución

Piece of land to be developed in a unique operation. It is an implementation unit.

Appendix 2: Acronyms and abbreviations

ARI

Portion of urban land on which rehabilitation is to take place in an integrated way.

BIC

Denomination of those elements of cultural interest for national heritage.

CARTUJA 93

Plan for the re-utilisation of the land of Isla de la Cartuja, where EXPO took place in 1992.

CODA

Organism that coordinates associations for the development of environmental matters.

EXPO 92

Universal Exposition of 1992.

Futures

Master Plan for the competitiveness of Spanish tourism.

GPD

Gross domestic product.

IBI

Land income tax, or property tax.

ICONA

National Institute for Nature Conservation.

IRYDA

National Institute for reform and development on agricultural matters.

ITUR

National Institute of Territory and Land Planning.

LS

Land use planning national law.

Moptma

Ministry of Public Works, Transport and Environmental Affairs.

PEIN

National Plan for Spaces of Natural Interest.

PDI

National Director or Master Plan for Infrastructures.

PDR

Plan for Regional Development.

SEPES

State's society for the development of land.

TR92

Recasted text for national land use planning law of 1992.

ZEPA

Areas for the protection of wild birds.

ZID

Industrialised areas in decline.

ZPE

Areas of economic promotion.

Appendix 3: Addresses and telephone numbers

National Government

Ministerio de Obras Públicas, Transportes y Medio Ambiente (Moptma)
Paseo de la Castellana, 67, ES-28046 Madrid
Tel. (34-1) 553 16 00

Ministerio para las Administraciones Públicas
Paseo de la Castellana, 3, ES-28046 Madrid
Tel. (34-1) 586 10 00

Ministerio de Economía y Hacienda
Paseo de la Castellana, 162, ES-28046 Madrid
Tel. (34-1) 583 74 00

Ministerio de Agricultura, Pesca y Alimentación
Paseo de la Castellana, 112, ES-28046 Madrid
Tel. (34-1) 347 15 00

Ministerio de Industria, Comercio y Turismo
Paseo de la Castellana, 160, ES-28046 Madrid
Tel. (34-1) 458 80 10

Ministerio de Defensa
Paseo de la Castellana, 109, ES-28046 Madrid
Tel. (34-1) 555 50 00

National Agencies/Organisations

SEPES (Sociedad Estatal para el Equipamiento de Suelo)
Paseo de la Castellana, 91, ES-28046 Madrid
Tel. (34-1) 456 50 15

Regional Agencies/Organisations

Institut Catala del Sol
Calle Córcega, 289, ES-08071 Barcelona
Tel. (34-3) 237 79 00

Instituto Gallego de la Vivienda y el Suelo
Polígono de Fontiñas, Edificio Area Central, ES-15703 Santiago de Compostela
Tel. (34-81) 54 19 00

Sociedad Mixta de Gestión y Promoción de Suelo
C/Uria, 10 - 7º - 8ª planta, ES-33033 Oviedo
Tel. (34-8) 522 92 79

Empresa Pública de Suelo de Andalucía
Avda. de Bonanzas, s/n, Edificio Sponsor - 4ª planta, ES-41071 Sevilla
Tel. (34-5) 455 02 20

Instituto del Suelo y la Vivienda de Aragón
Pº María Agustín, 36, ES-50071 Zaragoza
Tel. (34-76) 71 40 00

Instituto Valenciano de la Vivienda
C/San Vicente Mártir, 16
ES-46002 Valencia
Tel. (34-6) 392 22 07

Instituto Balear de la Vivienda
C/Miguel Santandreu, 4 Bajo, ES-07006 Palma de Mallorca
Tel. (34-71) 46 77 14

Instituto de la Vivienda de Madrid
C/Basílica, 23, ES-28071 Madrid
Tel. (34-1) 535 06 59

Appendix 4: General sources of further information, references, and list of statutes

In Spanish only

Jiménez Luna, P. (1983), 'Legislación del Suelo. Normativa estatal y autonómica', editorial TECNOS S.A., 2ª edición, Madrid, 1987.

Escuín Palop, C. (1993), 'Legislación del Suelo. Normativa estatal y autonómica', editorial TECNOS S.A., Madrid, 1993.

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Moreno Gil, O. (1986), 'Expropiación forzosa y Legislación complementaria', editorial CIVITAS S.A., 3ª edición, Madrid, 1996.

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No particular author, *SEPES, Memoria 1991* (1992), Sociedad Estatal de Promoción y Equipamiento de Suelo, Ministerio de Obras Públicas y Transportes. Gráficas Jogamar S.L., Madrid, 1992.

No particular author, *Guía de la Organización del Estado. Organigramas* (1993), Ministerio para las Administraciones Públicas, Inspección General de Servicios de la Administración Pública, AREGRAF S.L., Madrid, 1993.

Several authors, 'Nuevos Horizontes en el Urbanismo' in *Ciudad y Territorio. Estudios Territoriales*, Vol 1, Tercera época. Nº 95-96 (1993), Ministerio de Obras Públicas y Transportes, Secretaría General Técnica, Centro de Publicaciones, Técnicas gráficas FORMA S.A., Madrid, 1993.

Several authors, 'Perspectivas en torno al Plan Director de Infraestructuras' in *Ciudad y Territorio. Estudios Territoriales*, Vol 1, Tercera época. Nº 97 (1993), Ministerio de Obras Públicas y Transportes, Secretaría General Técnica, Centro de Publicaciones, Técnicas gráficas FORMA S.A., Madrid, 1993.

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No particular author, *Urbanisme a Barcelona. Plans cap al 92*, Ajuntament de Barcelona, Planejament Urbanistic, Area d'Urbanisme i Obres Públiques, Grup 3 S.A., Barcelona, 1988.

Available in English

Climent Soto et al. *Ten years of town planning in Spain*, Instituto del Territorio y del Urbanismo, Ministerio de Obras Públicas y Transportes, Centro de Publicaciones, Madrid, 1989.

Appendix 5: Tables and graphs on Spanish administrative structure

1. Diagram of the Organisation of government.
2. Autonomous communities in Spain. Number of provinces and municipalities.
3. Autonomous Communities in Spain. Example of the geographical configuration of the Comunidad Valenciana.
4. Table of tiers of government.

Figure 5-1 Diagram of the organisation of government

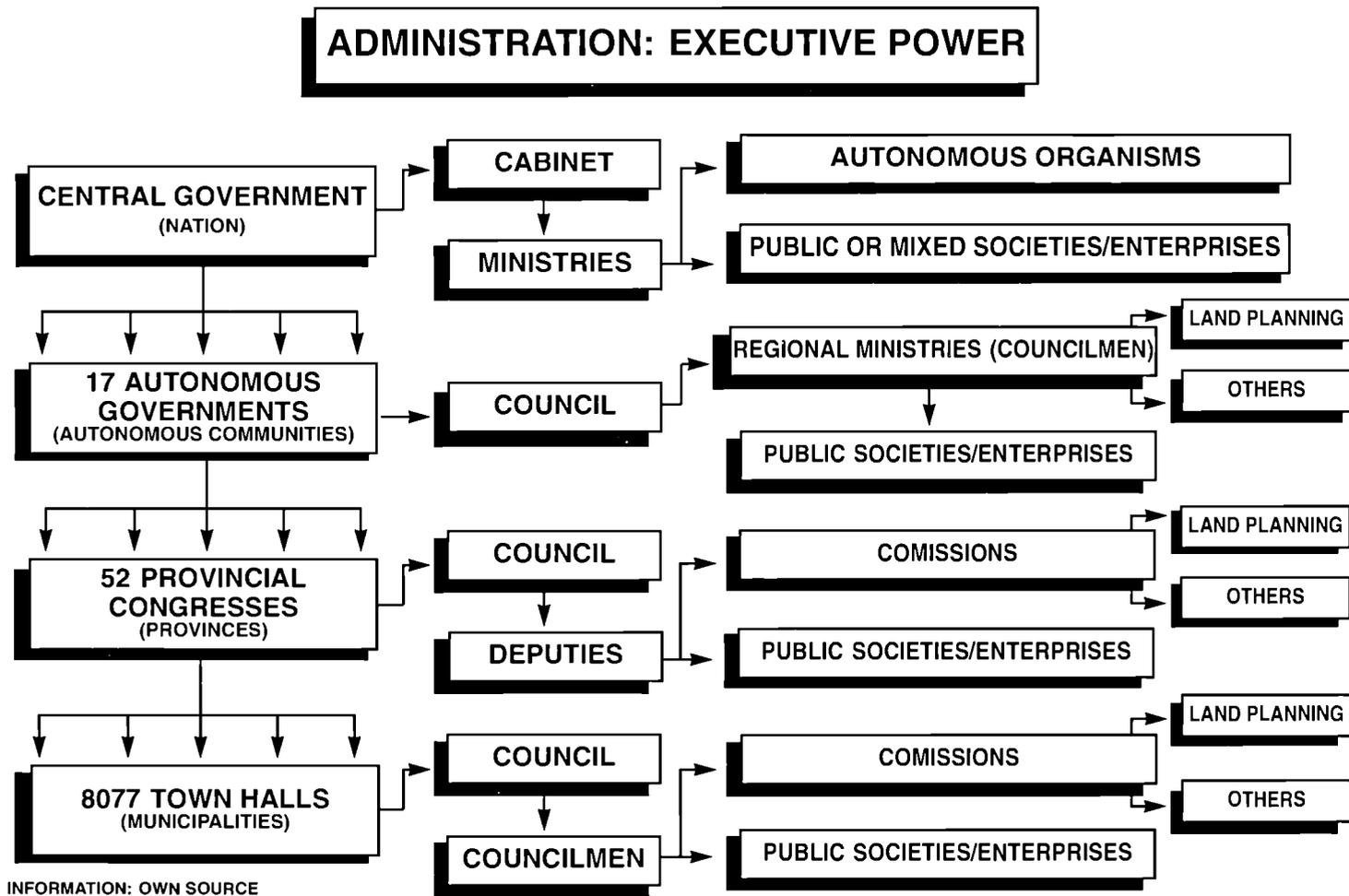
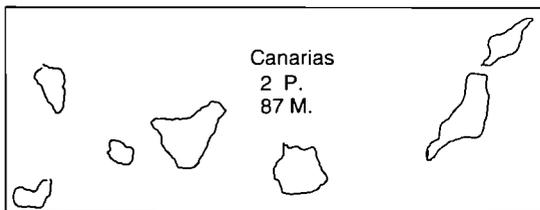


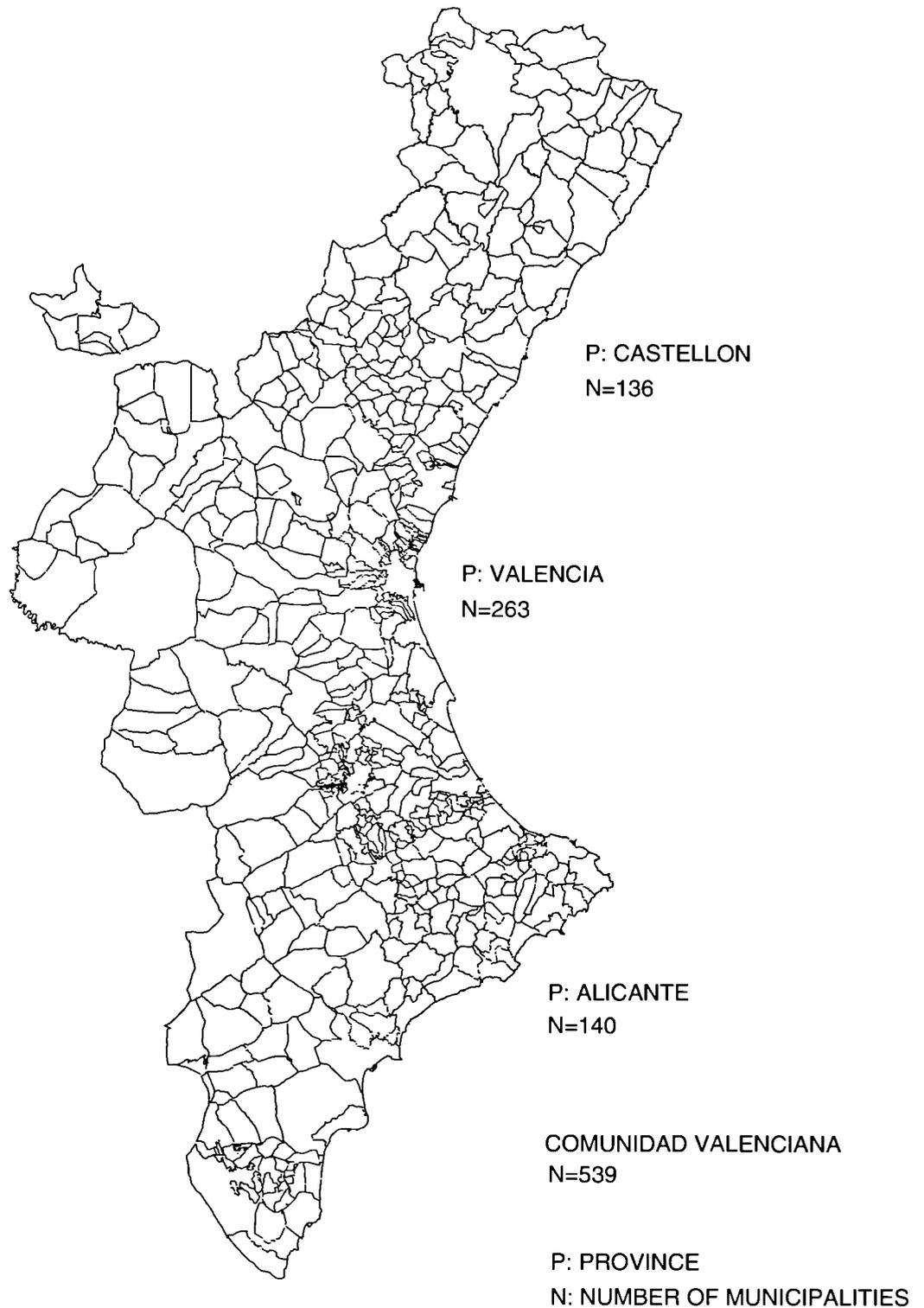
Figure 5-2 - AUTONOMOUS COMMUNITIES IN SPAIN
 NUMBER OF PROVINCIAS AND MUNICIPALITIES



P.= NUMBER OF PROVINCIAS
 M.= NUMBER OF MUNICIPALITIES

Figure 5-3 - AUTONOMOUS COMMUNITIES IN SPAIN:

EXAMPLE OF THE GEOGRAPHICAL CONFIGURATION OF THE "COMUNIDAD VALENCIANA".



INFORMATION: 1991 CENSUS. OWN SOURCE.

Figure 5-4 Table of tiers of government

CENTRAL	AUTONOMOUS COMMUNITIES	PROVINCES	A	B	C	D
E S P A Ñ A	ANDALUCIA 87.276,6 Sq. Km. 6.963.116 inh.	ALMERIA	8.774	465.662	103	86,02
		CADIZ	7.385	1.096.388	42	175,83
		CORDOBA	13.718	755.826	75	182,91
		GRANADA	12.531	812.616	168	75,04
		HUELVA	10.085	444.117	79	127,65
		JAEN	13.498	630.492	96	140,60
		MALAGA	7.276	1.197.308	100	73,50
		SEVILLA	14.001	1.638.218	103	137,26
	ARAGON 47.682,8 Sq. Km. 1.212.025 inh.	HUESCA	15.613	218.897	202	76,91
		TERUEL	14.785	141.320	236	63,45
		ZARAGOZA	17.252	861.329	291	59,49
	ASTURIAS 10.565 Sq. Km. 1.096.155 inh.	ASTURIAS	10.565	1.098.725	78	135,45
	BALEARES 5.014 Sq. Km. 739.501 inh.	BALEARES	5.014	745.944	67	76,60
	CANARIAS 7.500,3 Sq. Km. 1.601.802 inh.	LAS PALMAS	4.072	853.628	34	119,76
		SANTA CRUZ	3.170	784.013	53	59,81
	CANTABRIA 5.289 Sq. Km. 526.866 inh.	CANTABRIA	5.289	530.281	102	51,86
	CASTILLA-LEON 94.202,5 Sq. Km. 2.556.316 inh.	AVILA	8.048	173.021	248	32,32
		BURGOS	14.039	355.646	371	38,09
		LEON	15.468	520.433	212	72,62
		PALENCIA	8.035	184.396	191	42,07
		SALAMANCA	12.336	371.493	362	34,75
		SEGOVIA	6.949	146.554	208	34,23
		SORIA	10.287	94.130	183	55,91
		VALLADOLID	8.202	506.093	225	36,22
	ZAMORA	10.559	211.213	248	42,58	

A EXTENSION (in sq km)
 B POPULATION (1991 census)
 C NUMBER OF MUNICIPALITIES
 D AVERAGE EXTENSION OF MUNICIPALITIES (in sq km)

SOURCE: 1991 CENSUS. OWN SOURCE
 NOTE: FINAL FIGURES INCLUDE
 CEUTA AND MELILLA

TABLE OF TIERS OF GOVERNMENT (CONT.)

CENTRAL	AUTONOMOUS COMMUNITIES	PROVINCES	A	B	C	D
E S P A Ñ A	CASTILLA LA MANCHA 79.230,8 Sq. Km. 1.644.401 inh.	ALBACETE	14.862	341.847	86	172,81
		CIUDAD REAL	19.749	468.707	100	201,52
		CUENCA	17.061	201.095	238	72,91
		GUADALAJARA	12.190	149.067	287	42,04
		TOLEDO	15.368	491.117	204	75,33
	CATALUÑA 31.930 Sq.Km. 6.008.245 inh.	BARCELONA	7.733	4.690.996	308	25,19
		GERONA	5.886	520.401	222	26,88
		LERIDA	12.028	359.725	229	52,52
		TARRAGONA	6.283	544.457	183	34,90
	C. VALENCIANA 23.238 Sq.Km. 3.898.241 inh.	ALICANTE	5.863	1.334.545	140	42,48
		CASTELLON	6.679	448.182	136	49,84
		VALENCIA	10.763	2.141.111	263	41,08
	EXTREMADURA 41.603,6 Sq.Km. 1.045.201 inh.	BADAJOS	21.657	647.654	162	133,69
		CACERES	19.945	408.884	218	99,34
	GALICIA 29.240,1 Sq.Km. 2.700.288 inh.	CORUÑA	7.876	1.097.511	94	84,69
		LUGO	9.803	381.511	66	148,5
		ORENSE	7.278	354.474	92	79,11
		PONTEVEDRA	4.477	886.949	61	73,40
	MADRID 7.995 Sq.Km. 4.932.721 inh.	MADRID	7.995	5.030.958	178	45,43
	MURCIA 11.317 Sq.Km. 1.046.561 inh.	MURCIA	11.317	1.059.612	45	263,19
NAVARRA 10.421 Sq.Km. 521.940 inh.	NAVARRA	10.421	523.563	265	39,47	
RIOJA (LA) 5.033,9 Sq.Km. 265.823 inh.	LOGROÑO	5.034	267.943	174	28,93	
P. VASCO 7.261 Sq.Km. 2.099.978 inh.	ALAVA	3.047	276.457	51	62,18	
	GUIPUZCOA	1.997	676.307	87	24,65	
	VIZCAYA	2.217	1.156.245	109	23,09	
TOTAL	ESPAÑA	52 PROVINCES	504.833	39.433.942	8.077	62,89

A. EXTENSION (in sq. km.)
 B: POPULATION (1991 census)
 C: NUMBER OF MUNICIPALITIES
 D: AVERAGE EXTENSION OF MUNICIPALITIES (in sq. km.)

SOURCE: 1991 CENSUS. OWN SOURCE
 NOTE: FINAL FIGURES INCLUDE
 CEUTA AND MELILLA

Appendix 6: Summaries and graphics on autonomous laws

1. Autonomous laws concerning structure planning.
2. Structure planning instruments.
3. Autonomous communities with structure land-use laws of their own.
4. Autonomous legislation on land-use planning.
5. Autonomous Communities with land use laws, classified by its contents.

Figure 6-1 Autonomous laws concerning structure planning

<p>ANDALUCIA</p> <ul style="list-style-type: none"> • Ley 1/1994, de 11 enero de Ordenación del Territorio de la Comunidad Autónoma de Andalucía (BOJA 22.1.94) 	<p>ARAGON</p> <ul style="list-style-type: none"> • Ley 11/1992, 24 noviembre, de Ordenación del Territorio (BOA 7.12.1992) 	<p>ASTURIAS</p> <ul style="list-style-type: none"> • Ley 1/1987, 30 marzo, de Coordinación y Ordenación Territorial (BOE 14.5.1987) 	<p>BALEARES</p> <ul style="list-style-type: none"> • Ley 8/1987, 1 abril, de Ordenación Territorial (BOE 14.5.1987)
<p>CANARIAS</p> <ul style="list-style-type: none"> • Ley 1/1987, 13 marzo, reguladora de los Planes Insulares de Ordenación (BOC 23.11.1987) 	<p>CANTABRIA</p> <ul style="list-style-type: none"> • Ley 7/1990, 30 marzo, de Ordenación Territorial (BOC 9.4.1990) 	<p>CASTILLA/LEON</p>	<p>CASTILLA/LA MANCHA</p>
<p>CATALUÑA</p> <ul style="list-style-type: none"> • Ley 23/1983, 21 noviembre, de Política Territorial (DOGC 30.11.1983) 	<p>EXTREMADURA</p>	<p>GALICIA</p>	<p>MADRID</p> <ul style="list-style-type: none"> • Ley 10/1984, 30 mayo, de Ordenación Territorial (BOCM 16.6.1984) • Ley 3/1989, 16 marzo, modificadora del artículo 14 de la Ley 10/84 (BOCM 3.4.1989)
<p>MURCIA</p> <ul style="list-style-type: none"> • Ley 3/1987, 23 abril, de Protección y Armonización de Usos del Mar Menor (BOE 22.5.1987) • Ley 4/1992, 30 julio, de Ordenación y Protección del Territorio (BORM 14.8.1992) 	<p>NAVARRA</p> <ul style="list-style-type: none"> • Ley Foral 12/1986, 11 noviembre, de Ordenación del Territorio (BON 14.11.1986) • Ley 5/1992, 14 abril, modifica Ley Foral 12/1986 	<p>LA RIOJA</p>	<p>VALENCIA</p> <ul style="list-style-type: none"> • Ley 6/1987, 7 julio, de Ordenación del Territorio (BOE 11.8.1989)
<p>PAIS VASCO</p> <ul style="list-style-type: none"> • Ley 4/1990, 31 mayo, de Ordenación del Territorio (BOPV 3.7.1990) 			

Up to date. February, 1994

INFORMATION: MOPTMA. OWN SOURCE

Figure 6-2 Structure planning instruments
(Established in Structure Planning Laws)

<p>ANDALUCIA</p> <ul style="list-style-type: none"> - Plan de Ordenación del Territorio de Andalucía - Planes de Ordenación del Territorio subregionales - Planes con Incidencia en Ordenación del Territorio (planes sectoriales de la C.A.) - Actuaciones con incidencia en la O.T. 	<p>ARAGON</p> <ul style="list-style-type: none"> - Directrices Generales de Ordenación Territorial - Directrices Parciales de Ordenación Territorial - Programas Específicos de Gestión o Actuación de Ambito Territorial - Procedimientos de Gestión Coordinada 	<p>ASTURIAS</p> <ul style="list-style-type: none"> - Directrices de ordenación del territorio <ul style="list-style-type: none"> • regionales • subregionales • sectoriales - Programas de actuación territorial - Evaluaciones de impacto 	<p>BALEARES</p> <ul style="list-style-type: none"> - Directrices de ordenación del Territorio - Planes territoriales parciales - Planes directores sectoriales - Planes de ordenación del medio natural
<p>CANARIAS</p> <ul style="list-style-type: none"> - Instrumentos de planificación territorial y urbanística de la Comunidad Autónoma de Canarias 	<p>CANTABRIA</p> <ul style="list-style-type: none"> - Directrices de Ordenación Territorial <ul style="list-style-type: none"> • regionales • comarcales - Planes Directores Sectoriales - Planes Territoriales Sectoriales 	<p>CASTILLA/LEON</p>	<p>CASTILLA/LA MANCHA</p>
<p>CATALUÑA</p> <ul style="list-style-type: none"> - Plan Territorial General - Planes Territoriales Parciales - Planes Territoriales Sectoriales 	<p>EXTREMADURA</p>	<p>GALICIA</p>	<p>MADRID</p> <ul style="list-style-type: none"> - Directrices de ordenación territorial - Programas coordinados actuación - Planes de ordenación del medio físico
<p>MURCIA</p> <ul style="list-style-type: none"> - Directrices de Ordenación Territorial <ul style="list-style-type: none"> • regionales • subregionales o comarcales • sectoriales • directrices de Regulación, Protección y usos del Espacio Rural - Programas de Actuación Territorial - Actuaciones de Interés Regional 	<p>MURCIA</p> <p>MAR MENOR</p> <ul style="list-style-type: none"> - Directrices Ordenación Territorial - Plan de Saneamiento del Mar Menor - Plan de Amonización de Usos del Mar Menor - Plan de Ordenación y Protección del Litoral del Mar Menor y sus Islas 	<p>NAVARRA</p> <ul style="list-style-type: none"> - Normas urbanísticas regionales - Planes de ordenación del medio físico - Normas urbanísticas comarcales - Planes y proyectos sectoriales de incidencia supramunicipal - Directrices de ordenación del territorio 	<p>LA RIOJA</p>
<p>VALENCIA</p> <ul style="list-style-type: none"> - Plan Ordenación del Territorio - Planes de Acción Territorial <ul style="list-style-type: none"> • sectorial • actuaciones integradas - Programa Ordenación del territorio - Proyectos de Ejecución 	<p>PAIS VASCO</p> <ul style="list-style-type: none"> - Directrices de Ordenación Territorial - Planes Territoriales Parciales - Planes Territoriales Sectoriales 		

Up to date. February, 1994

INFORMATION: MOPTMA. OWN SOURCE

Figure 6-3 - AUTONOMOUS COMMUNITIES WITH STRUCTURE
LAND USE LAWS OF THEIR OWN

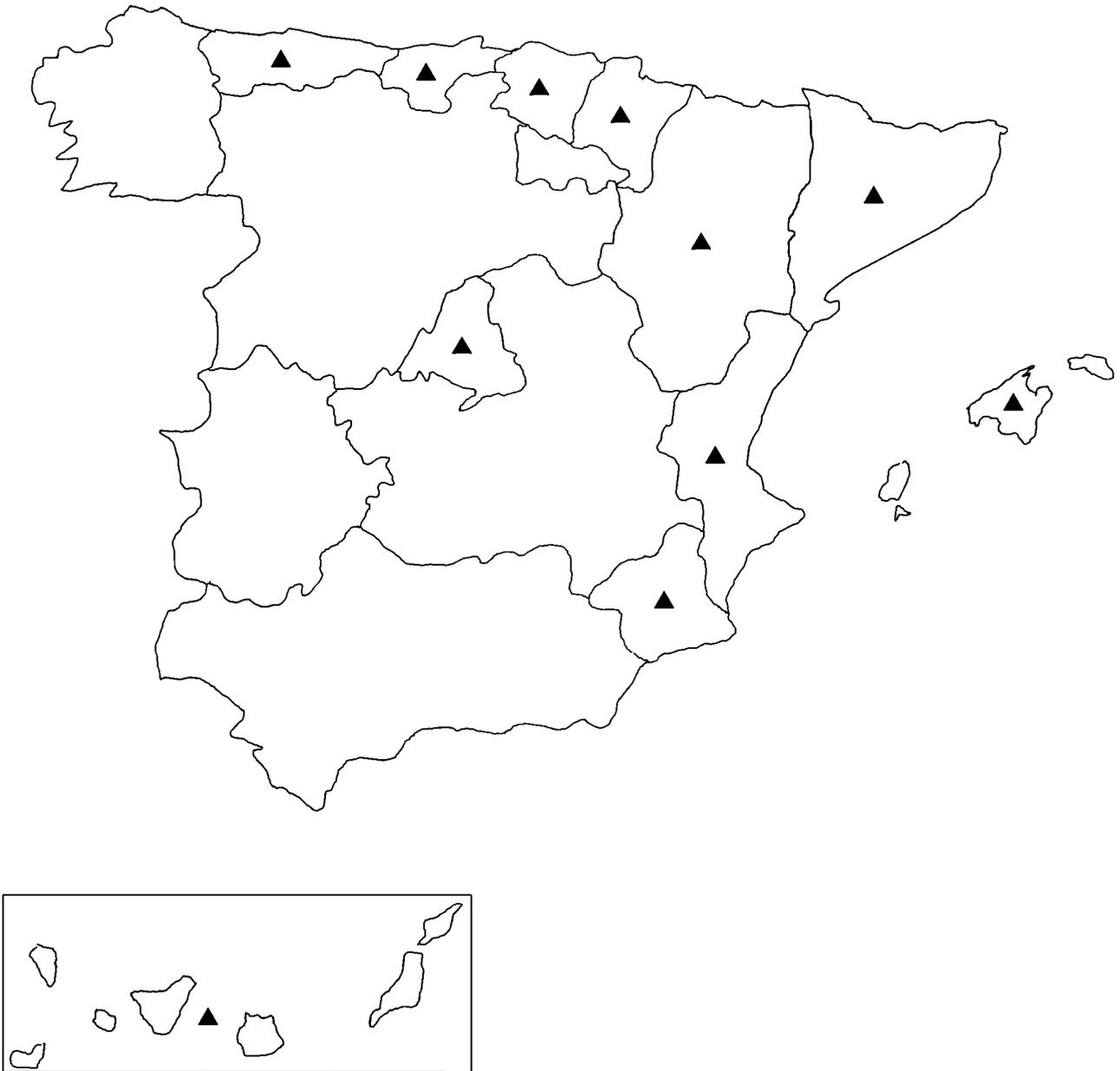


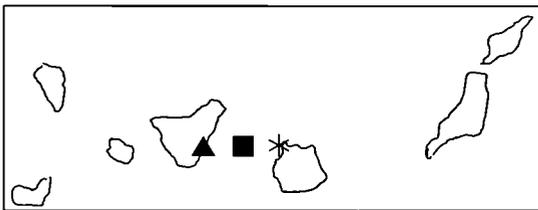
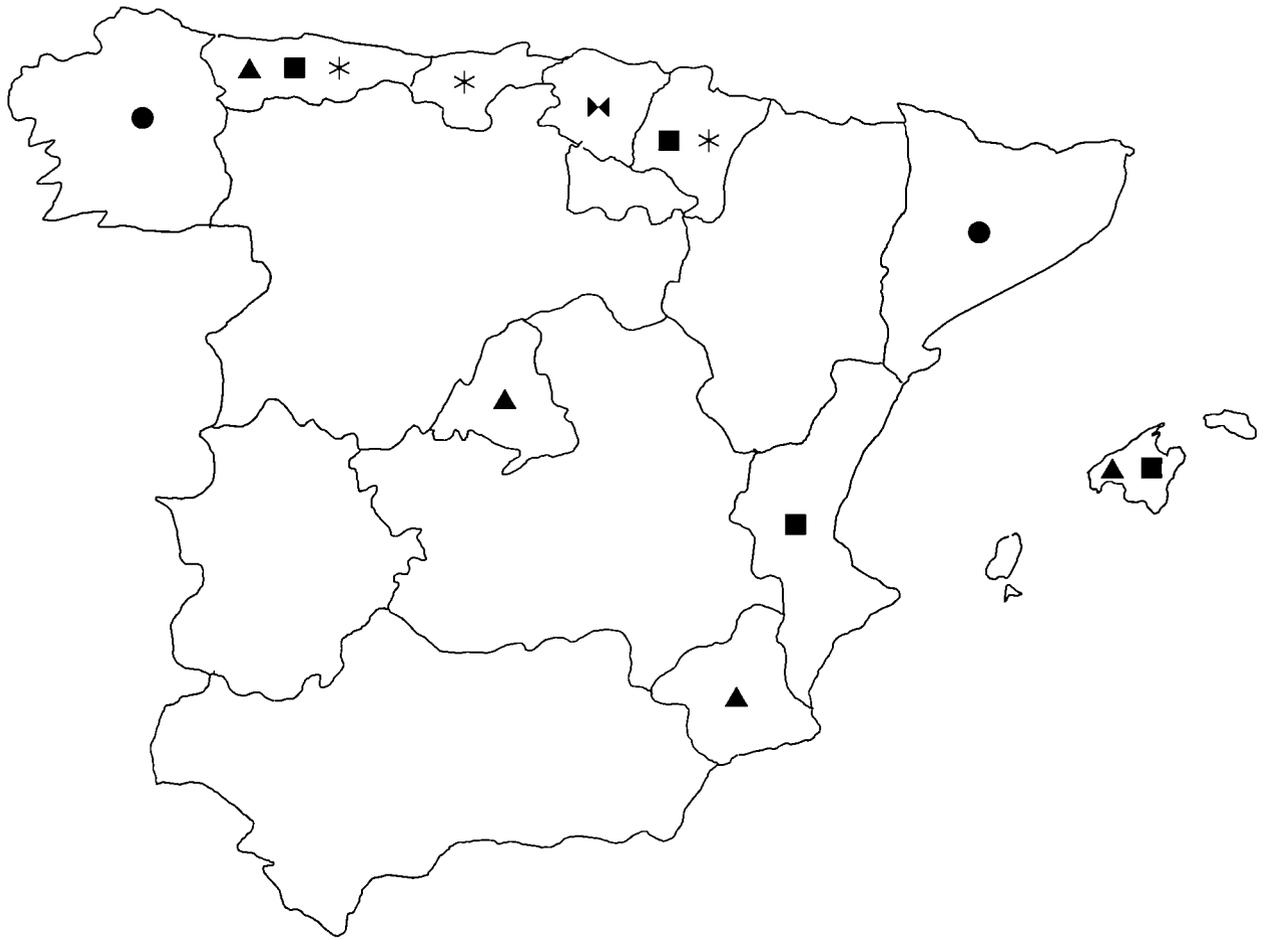
Figure 6-4 Autonomous legislation on land use planning

<p style="text-align: center;">ANDALUCIA</p>	<p style="text-align: center;">ARAGON</p>	<p style="text-align: center;">ASTURIAS</p> <ul style="list-style-type: none"> • Ley 3/1987, 8 abril, reguladora de la disciplina urbanística • Ley 6/1990, 20 diciembre, sobre edificación y usos en el medio rural • Ley 2/1991, 11 marzo, de reserva de suelo y actuaciones urbanísticas prioritarias 	<p style="text-align: center;">BAL EARES</p> <ul style="list-style-type: none"> • Ley 8/1988, 1 julio, sobre edificios e instalaciones fuera de ordenación • Ley 10/1989, 2 noviembre, de sustitución de Planeamiento Urbanístico Municipal • Ley 10/1990, 23 octubre, de disciplina urbanística • Ley 1/1991, 30 de enero, de espacios naturales y régimen urbanístico de las áreas de especial protección • Ley 2/1992, 6 mayo, de modificación de la Disposición Final Primera de la Ley 10/1990, 23 octubre, de Disciplina Urbanística
<p style="text-align: center;">CANARIAS</p> <ul style="list-style-type: none"> • Ley 3/1985, 20 julio, de Medidas Urgentes en materia de Urbanismo y Protección de la Naturaleza • Ley 5/1987, 7 abril, sobre ordenación urbanística del suelo rústico de la Comunidad de Canarias • Ley 6/1987, 7 abril, sobre sistema de actuación de urbanización • Ley 7/1990, 14 mayo, de Disciplina Urbanística y Territorial 	<p style="text-align: center;">CANTABRIA</p> <ul style="list-style-type: none"> • Ley 4/1992, 24 marzo, de Constitución de Reservas Regionales de Suelo y otras Actuaciones Urbanísticas Prioritarias 	<p style="text-align: center;">CASTILLA LEON</p>	<p style="text-align: center;">CASTILLA LA MANCHA</p>
<p style="text-align: center;">CATALUÑA</p> <ul style="list-style-type: none"> • Ley 9/1981, 18 noviembre, sobre Protección de la legalidad urbanística • Ley 3/1984, 9 enero, de Medidas de Adecuación del Ordenamiento Urbanístico en Cataluña • Decreto Legislativo 1/1990, 12 julio, Texto Refundido de los Textos legales en Cataluña en materia urbanística 	<p style="text-align: center;">EXTREMADURA</p>	<p style="text-align: center;">GALICIA</p> <ul style="list-style-type: none"> • Ley 11/1985, 22 agosto, de adaptación de la Ley del Suelo a Galicia 	<p style="text-align: center;">MADRID</p> <ul style="list-style-type: none"> • Ley 4/1984, 10 febrero, sobre Medidas de Disciplina Urbanística • Ley 9/1985, 4 diciembre, de actuaciones urbanísticas ilegales en la Comunidad de Madrid • Ley 3/1987, 18 diciembre, promoga la vigencia de la Ley 9/1985
<p style="text-align: center;">MURCIA</p> <ul style="list-style-type: none"> • Ley 12/1986, 20 diciembre, de Medidas para la protección de la legalidad urbanística 	<p style="text-align: center;">NAVARRA</p> <ul style="list-style-type: none"> • Ley Foral 6/1987, 10 abril, de normas urbanísticas regionales para protección y uso del territorio • Ley Foral 7/1989, 8 junio, de medidas de intervención en materia de suelo y vivienda • Ley Foral 8/1990, 13 noviembre, modificación Ley 7/1989 • Ley Foral 4/1992, 14 abril, modifica Ley 7/89 	<p style="text-align: center;">LA RIOJA</p>	<p style="text-align: center;">VALENCIA</p> <ul style="list-style-type: none"> • Ley 4/1992, 5 junio, sobre suelo no urbanizable
<p style="text-align: center;">PAIS VASCO</p> <ul style="list-style-type: none"> • Ley 9/1989, 17 noviembre, de Valoración del Suelo de la Comunidad Autónoma del País Vasco 			

Up to date. February, 1994

INFORMATION: MOPTMA. OWN SOURCE

Figure 6-5 - AUTONOMOUS COMMUNITIES WITH LAND USE LAWS,
CLASSIFIED BY ITS CONTENTS



- Laws with a general or integral content.
- ▲ Laws concerning enforcement and its procedures.
- Laws concernig rural land, natural spaces and protection of rural land.
- * Laws concernig priority actions, sectorial, housing, etc.
- ◄ Laws concerning land evaluation.

Appendix 7: Summary on territorial planning instruments

1. Structure planning instruments.

Figure 7-1 Structure planning instruments

<p>ANDALUCIA</p> <ul style="list-style-type: none"> • Plan Director Territorial de Coordinación del Entorno de Doñana. 03.05.88 • Bases para la Ordenación del Territorio. 27.04.90 • Directrices regionales del litoral. 17.05.90 	<p>ARAGON</p>	<p>ASTURIAS</p> <ul style="list-style-type: none"> • Directrices Regionales de Ordenación del Territorio. 21.01.91 • Normas Urbanísticas Regionales en el Medio Rural. 29.12.83 • Directrices Subregionales de Ordenación del Territorio para la Franja Costera * • Avance de Directrices Subregionales de Ordenación del Territorio para el Area Central * 	<p>BALEARES</p>
<p>CANARIAS</p> <ul style="list-style-type: none"> • Plan Insular de Ordenación Territorial de Lanzarote. 09.04.91 • Avance del Plan insular de Ordenación del Territorio de Gran Canaria * • Avance del Plan Insular de Ordenación del Territorio de Tenerife * 	<p>CANTABRIA</p>	<p>CASTILLA/LEON</p>	<p>CASTILLA/LA MANCHA</p>
<p>CATALUÑA</p> <ul style="list-style-type: none"> • Avance Plan Territorial * 	<p>EXTREMADURA</p>	<p>GALICIA</p> <ul style="list-style-type: none"> • Normas Complementarias y Subsidiarias de planeamiento de las provincias de La Coruña, Lugo, Orense y Pontevedra. 14.05.91 	<p>MADRID</p> <ul style="list-style-type: none"> • Proyecto de Directrices de Ordenación del Territorio *
<p>MURCIA</p> <ul style="list-style-type: none"> • Ley de protección y armonización de usos del Mar Menor. 23.05.87 • Normas Subsidiarias y Complementarias de Ambito Regional. (Modificación relativa a suelos afectados por incendios forestales 18.08.93) 	<p>NAVARRA</p> <ul style="list-style-type: none"> • Avance de Directrices de Ordenación Territorial. 22.08.88 * • Normas Urbanísticas Regionales para Protección y uso del Territorio. Ley Foral. 10.05.87 	<p>LA RIOJA</p> <ul style="list-style-type: none"> • Normas Urbanísticas Regionales y Plan Especial de Protección del Medio Ambiente Natural. 28.06.88 	<p>VALENCIA</p> <ul style="list-style-type: none"> • Proyecto de Plan de Acción Territorial 20.03.91 (Acuerdo de realización) * • Normas Urbanísticas de las Normas de Coordinación Metropolitana en el Ambito del Consell Metropolità de L'Horta. 01.09.93
<p>PAIS VASCO</p> <ul style="list-style-type: none"> • Directrices de Ordenación Territorial. 21.01.94 • Avance Plan Territorial Sectorial de Suelo Industrial * 			

* On edition or procedure

Up to date. February, 1994

INFORMATION: MOPTMA. OWN SOURCE

Appendix 8: Investments in RDP 1994-1999

1. Distribution of investment in the regional development plan 1994-1999.

Figure 8-1 DISTRIBUTION OF INVESTMENT IN THE REGIONAL DEVELOPMENT PLAN 1994-99, IN TERMS OF PERCENTAGES FOLLOWING SIMPLIFIED TYPOLOGY FOR OBJECTIVE 1 REGIONS (1989-93)

	1	2	3	4	5	6
Andalucía	35.00	9.60	1.70	11.50	28.70	13.50
Asturias	38.20	8.90	2.40	12.80	24.80	12.90
Canarias	17.80	2.70	4.10	6.10	58.00	11.30
Cantabria	42.30	3.00	2.00	13.90	26.90	11.90
Castilla-La Mancha	33.50	7.50	1.90	13.00	33.50	10.60
Castilla-León	31.30	5.60	3.30	21.20	26.40	12.20
Extremadura	29.20	12.40	3.80	14.80	25.00	14.80
Galicia	56.20	4.00	2.50	9.60	14.20	13.50
Murcia	27.40	11.80	1.90	11.60	29.50	17.80
C. Valenciana	33.80	4.60	1.40	4.50	46.00	9.70
Ceuta	38.50	4.40	1.90	0.10	31.50	23.60
Melilla	13.00	2.70	29.70	0.10	41.50	13.00
TOTAL	33.50	7.20	2.50	11.70	32.60	12.50

- 1 = Territorial integration and articulation
- 2 = Industry, services and crafts
- 3 = Tourism
- 4 = Agricultural and rural development
- 5 = Infrastructures in support of economic activity
- 6 = Valuation of human resources

Source: Regional Development Plan (1994-99). Own source.

Appendix 9: Tables and graphics on land planning instruments

1. Municipal districts with land-planning instruments 1992. Summary by autonomous communities.
2. Prevailing land-planning instruments, according to size of municipality.

Figure 9-1 Municipal districts with land planning instruments

%(1)	Municipalities with Land Planning Instrument or Urban Delimitation Projects.					Municipalities with Land Planning Instrument approved after 1.982			Municipalities >1000 inh. with P.G. or NN.SS.		Population of Municipalities with L.P.I. or U.D.P. (3)		Area of Municipal Districts with L.P.I. or U.D.P.		Housing in Municipalities with L.P.I. or U.D.P. (5)	
	P.G.	NN.SS.	U.D.P.	TOTAL	%(1)	Nr.	%(1)	Nr.	%(2)	Nr. inh.	%(1)	Total Area(4)	%(1)	Housing nr.	%(1)	
Andalucía	73	281	235	589	77	307	40	341	59	6.602.975	95	74.101	84	2.678.444	95	
Aragón	33	120	209	362	50	114	16	88	76	1.098.222	92	31.911	66	510.445	89	
Asturias	7	62	2	71	91	65	83	57	88	1.078.168	99	9.967	94	455.100	98	
Baleares	25	32	9	66	99	42	63	51	91	704.805	99	4.882	98	408.558	99	
Canarias	25	37	23	85	98	51	59	62	72	1.491.126	99	7.308	99	578.665	98	
Cantabria	13	53	23	89	87	64	63	56	79	514.986	98	4.493	85	220.332	98	
Castilla-La Mancha	16	255	228	499	54	201	22	150	55	1.421.506	86	55.852	70	670.445	82	
Castilla-León	50	233	633	916	41	186	8	155	54	2.077.660	82	44.665	48	950.316	75	
Cataluña	25 9	324	103	686	73	423	45	358	90	5.949.137	98	22.159	69	2.681.661	98	
Extremadura	11	102	259	372	98	91	24	90	47	1.037.852	98	40.192	97	457.682	97	
Galicia	33	98	59	190	61	89	28	130	43	2.342.426	86	17.571	60	958.113	85	
La Rioja	9	42	48	99	57	35	20	27	96	251.493	95	3.383	67	119.629	93	
Madrid	32	137	9	178	100	131	74	103	100	4.947.555	100	8.100	100	1.927.376	100	
Murcia	14	29	2	45	100	38	84	41	95	1.045.601	100	10.365	100	482.160	100	
Navarra	13	97	102	212	80	92	35	60	81	507.706	98	8.066	84	196.153	97	
Pais Vasco	69	156	5	230	93	158	64	130	96	2.091.254	99	7.003	96	769.380	99	
Com. Valenciana	11 1	292	122	525	97	338	63	283	95	3.843.492	99	22.497	99	2.077.889	99	
Ceuta y Melilla	2	0	0	2	100	2	100	2	100	124.215	100	33	100	34.168	100	
TOTAL ESPAÑA	79 5	2350	2071	5216	65	2427	30	2184	70	37.130.179	95	372.548	74	16.176.516	94	

(1) Concerning the whole area.

(2) Over the whole municipalities with more 1.000 inhabitants.

(3) Population. Census 1991.

(4) In Km.²

(5) Housing. Census 1.991.

P.G.: GENERAL PLAN
 NN.SS.: SUBSIDIARY RULES
 U.D.P.: URBAN DELIMITATION PROJECTS

SOURCE: DOMINE REDONDO, V. ET ALT. (1993). "LA COBERTURA DEL PLANEAMIENTO URBANISTICO EN ESPAÑA". CIUDAD Y TERRITORIO. VOL. 1. TERCERA EPOCA. Nº 95-96. MINISTERIO OBRAS PUBLICAS. PAG. 155.

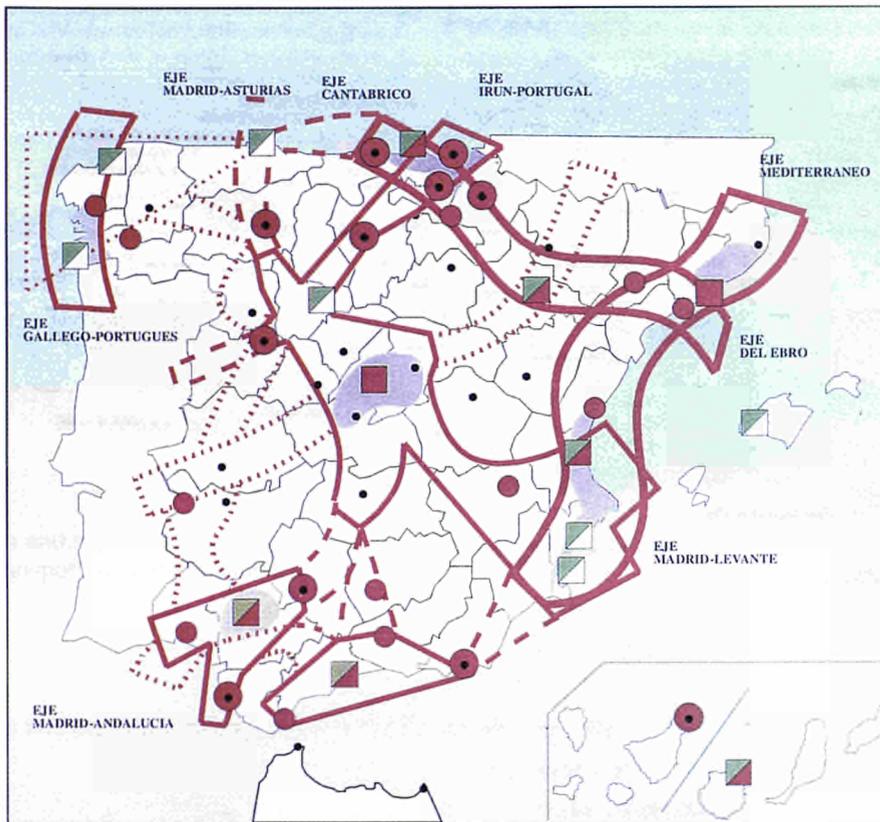
Figure 9-2 Prevailing land planning instrument according to the size of the municipality

	TOTAL AMOUNT		MUNICIPALITIES WITH LAND PLANNING INSTRUMENTS									
	OF MUNICIPALITIES		P.G.		NN.SS.		D.S.U.		TOTAL (in nr)		TOTAL (in %) (2)	
	1.977	1.992	1.977 (1)	1.992	1.977	1.992	1.977	1.992	1.977	1.992	1.977	1.992
< 1.000 hab.	5.387	4.964	155	88	118	868	462	1.550	735	2.506	14	51
1.000-5.000 hab.	2.282	2.039	349	187	121	1.027	241	453	711	1.667	32	82
5.001-10.000 hab.	510	491	154	135	46	273	66	48	266	456	52	93
10.000-25.000 hab.	346	365	187	188	40	152	44	20	271	360	78	99
25.000-50.000 hab.	85	105	64	86	13	19	8	-	85	105	100	100
50.000-100.000 hab.	44	57	38	53	6	4	-	-	44	57	100	100
100.000-250.000 hab.	35	38	31	36	3	2	1	-	35	38	100	100
250.000-500.000 hab.	8	12	8	12	-	-	-	-	8	12	100	100
500.000-1.000.000 hab.	3	4	3	3	-	1	-	-	3	4	100	100
> 1.000.000 hab.	2	2	2	2	-	-	-	-	2	2	100	100
TOTAL	8.702	8.077	991	991	347	2.346	822	2.071	2.160	5.207		

(1) It also includes municipalities structured by Joint Planning.
(2) Concerning total number of municipalities in each rank.

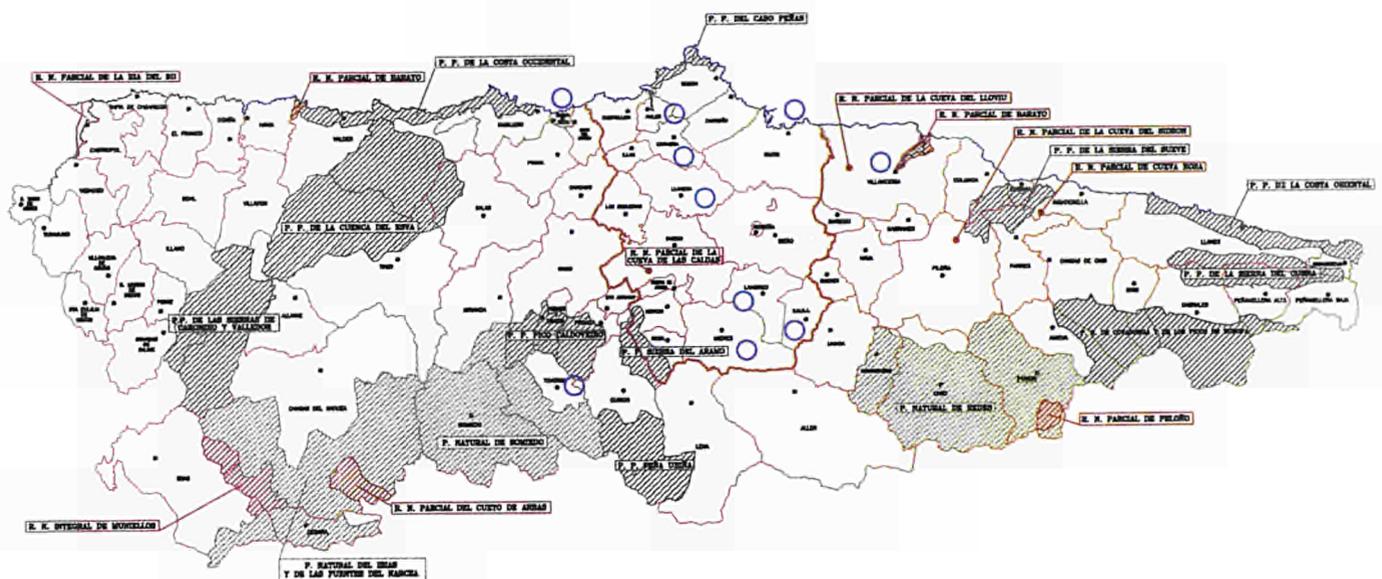
P.G.: GENERAL PLAN
N.N.S.S.: SUBSIDIARY RULES
D.S.U.: URBAN LAND DELIMITATION PROJECT

SOURCE: DOMINE REDONDO, V. ET ALT. (1993). "LA COBERTURA DEL PLANEAMIENTO URBANISTICO EN ESPAÑA". CIUDAD Y TERRITORIO. VOL 1. TERCERA EPOCA. N° 95-96. MINISTERIO OBRAS PUBLICAS. PAG. 155.

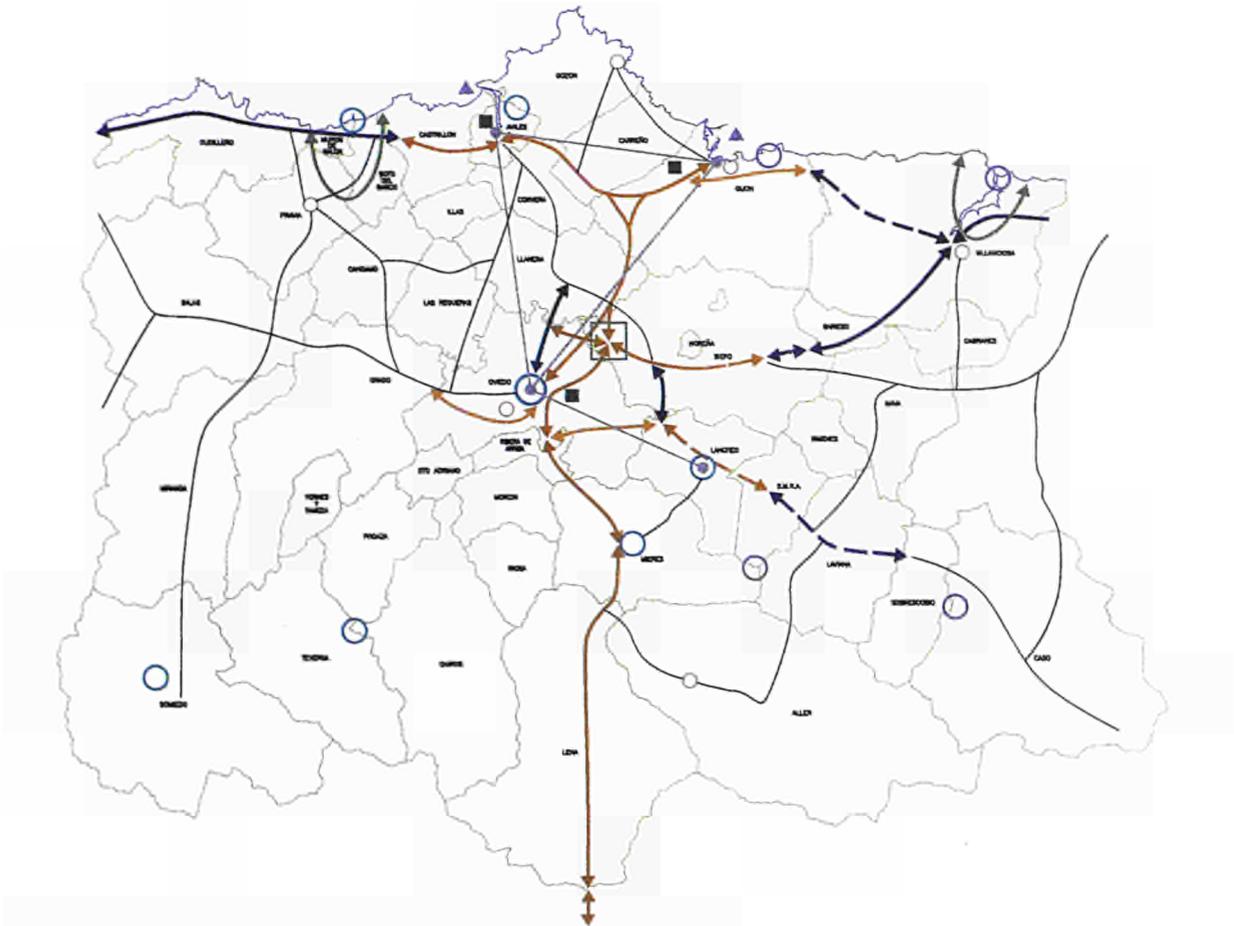


- | | | | |
|---|---|---|---------------------------------|
|  | Potential Urban Regions |  | Axes with maximum potential |
|  | International metropolitan areas |  | Axes showing some consolidation |
|  | National metropolitan areas |  | Potential axes |
|  | Areas in the process of becoming metropolitan |  | Potential, unconsolidated areas |
|  | Main urban areas | | |
|  | Other urban areas | | |
|  | Lower level provincial capitals | | |

Map 1 - Main axes and areas of potential development in Spain.



Map 2 - Illustration of RDG. Asturias.
Areas with special character: national and natural parks; natural reserves, and protected landscapes.



Motorways and highways managed by moptma (Ministry of Public Works, Transport, and the Environment)



- In service
- Under construction
- Planned

Motorways and highways managed by the autonomous community



- In service
- Under construction
- Planned



Secondary road



Environmental study of the Nalon and Ria de Villaviciosa river mouths



Strategic projects

Intermodal transport plan



Modal exchange



By-pass



Transport centres

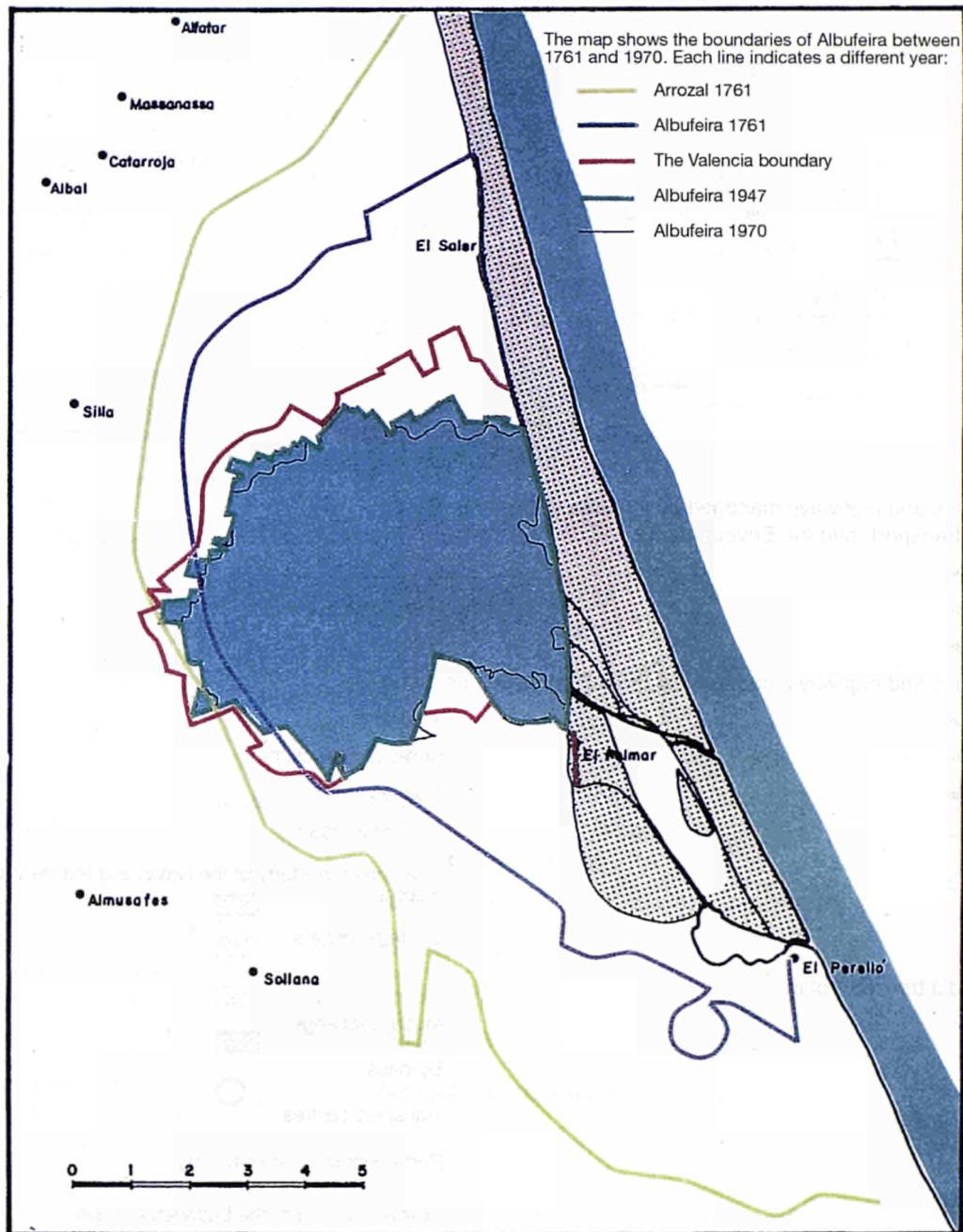


Port integration and planning

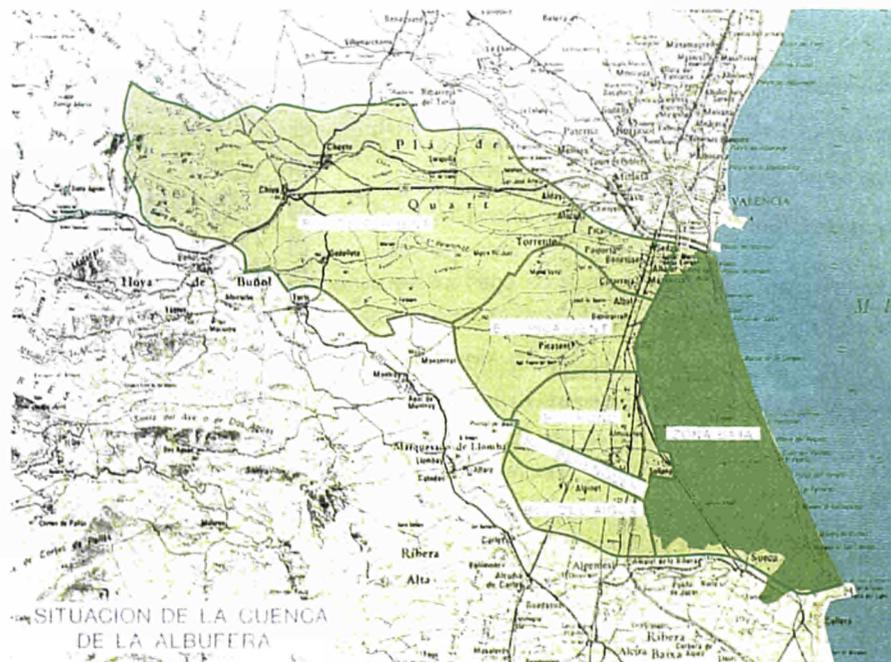


Spatial planning of the Lugones enclave

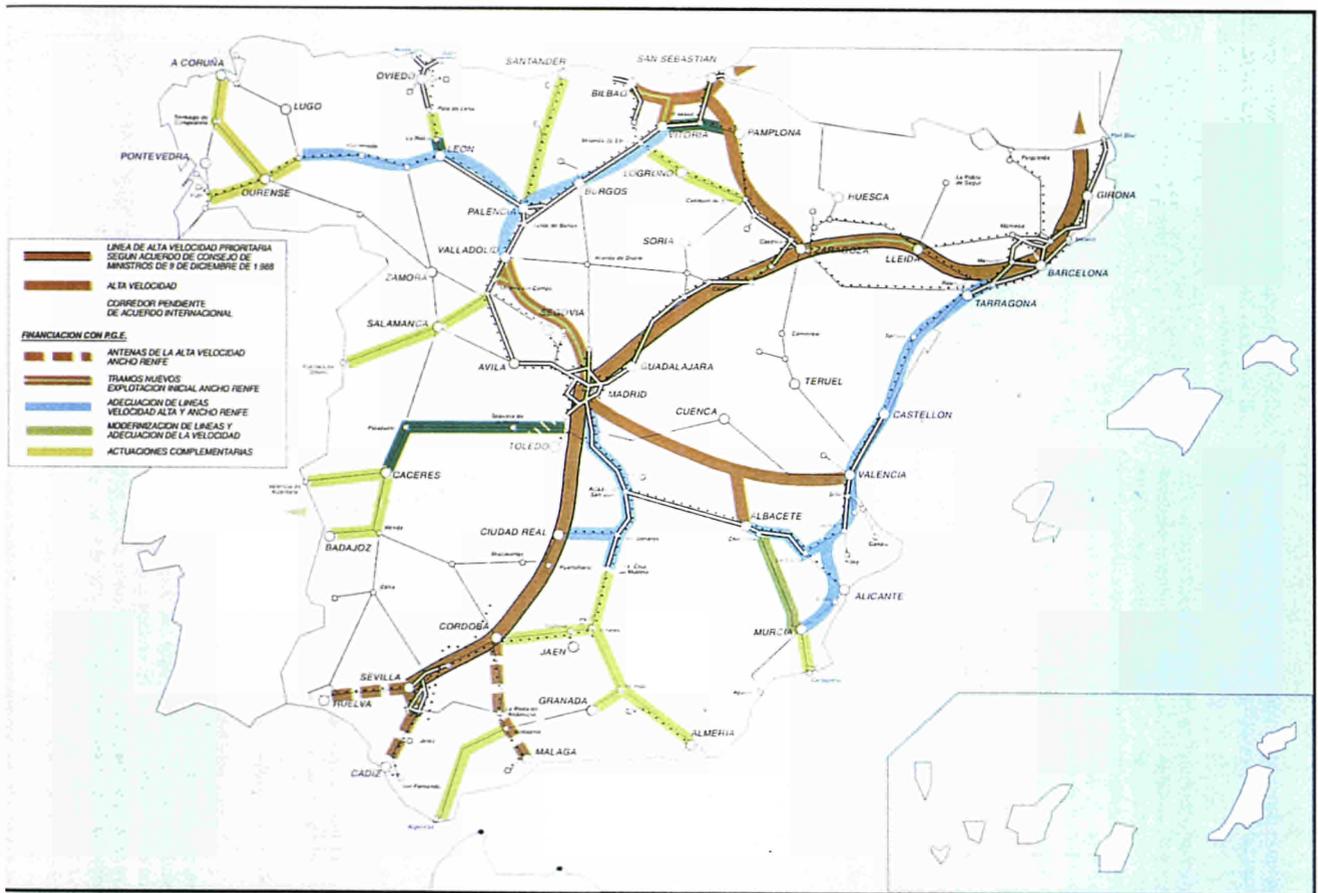
Map 3 - Central Region: Strategic and infrastructural actuations.



Map 4 - Extension of Wetland



Map 6 - Air view and map showing the extension of the river basin ending at "La Albufera".



Map 7 - High speed, long term structural policies in railway infrastructure.

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