



COUNCIL OF EUROPE

EUROPEAN LANDSCAPE CONVENTION

FIFTEENTH COUNCIL OF EUROPE MEETING OF THE WORKSHOPS FOR THE IMPLEMENTATION OF THE EUROPEAN LANDSCAPE CONVENTION

Sustainable Landscapes and Economy

On the inestimable natural and human value of the landscape

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Urgup, Nevşehir, Turkey
1-2 October 2014

Good morning, I am Eva Gamero Ruiz, jurist and anthropologist, and an Inspector Regional of Planning and Urbanism in Junta de Andalucia, Spain. I would like to thank the organizers of this meeting and in particular to Mrs. Maguelonne Dejeans-Pons for your kind invitation to be here.

The importance of protecting green spaces and cityscapes is shared with many countries, but I would like to focus on Spain, maybe one of the countries that has more historic-artist values that have been recognised.

As most of you know, because news information, Spain (*skin of bull*, as the geographer said), ahead of other European countries, chose a development model that has been too dependant on construction, with a pharaonic projects and dangerous marketing mortgages...

As all of you know the dramatic consequences: urban and rural landscapes' degradation, coastal landscapes destroyed, urbanism corruptions, cofinancial crisis... I have to admit that, unfortunately, some of the views of the Auken Report---European Parliament---, are a true reflection of our recent past, specially the opinion on the impact of extensive urbanisation in our enviroment.

But we have to think about the future with optimism, because, in my opinion, the Spanish and Andalusian laws have strong instruments for a real protection of the green spaces and landscapes value. I would like show you these legal instruments.

First, since 1973 to the present day, the urbanism law in Spain has a special norm, known to lawyers as a *minimum of no return* or *stand still*. Thanks to this norm, it's impossible to make any urban planning modification that involves suppression or modification of a green zone. Therefore, in the Spanish law, the known as "ecological footprint" is legality binding and mandatory from the juridical point of view. A few years ago, an historic Sentence of the Andalusia Supreme Court forced the City of Sevilla to demolish a modern bibliotheca (it was a project of the famous Iranian architect Zaha Hadid) because the municipal licence to build the new library involved a danger for the green zone (a public park) where it was constructed.

Second, we have the "public action" (not to be confused with the "class action", which is a legacy of the Anglo-Saxon Law to the Continental European Law). Thanks to this public action, any persons, even if they are not a part of a group or association, can demand in a trial or face to the public administrations, the right application of the urbanism law. One citizen, any citizen, has full legitimation to defend a green zone.

Third, from the Penal Code of 1995, the non authorized construction over a green zone is a crime, persecuted by the Attorney.

Fourth, since 2007 there is a small group of officials' publics' inspector in the Andalusia Regional Administration, specially created to prosecute infringements of Planning and Urbanism, a group which I have the honour to belong.

Fifth, a state law, passed last year, represents a commitment to renovating and renewing old houses instead of building new neighbourhoods. The indefinite expansion of cities is not recommended for obvious ecological, economic and landscape reasons. This new law establishes as mandatory the rehabilitation for buildings that exceeding 50 years in a period of 5 years.

However, there are still unsolved problems. In my view, one of the most important is the excessive power of the municipalities in this topic. As a result of the democratization of our country, in 1977, it was thought it would be good urban management grant to local councils, closer to the people.

But the Spanish lesson can be that the local authorities, without the oversight and supervision of a superior, state or regional central entity, tend to urban abuse.

Some of the great urbanism projects designed by the municipalities were too expensive or too ambitious, causing the bankruptcy of municipal finances, which could not afford their funding or finally made it at the cost of destroying a wonderful and invaluable natural and historical heritage.