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Conservation and management - Spain

Country: Spain

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▼ **31A Balanced strategies for the protection, conservation and enhancement of heritage sites included in general planning policies**

Yes

Approach (click to collaps)

Integrated Approach

- A. Central Government
- B. Comunidad Autónoma (SAU)
- C. Provincia (province)
- D. Municipio (municipal council)

Archaeological Heritage

- B. Comunidad Autónoma (SAU)
- Diputaciones: only Islas Baleares
Canarias and Pais Vasco

Architectural Heritage

- B. Comunidad Autónoma (SAU)
- Diputaciones: only Islas Baleares
Canarias and Pais Vasco

Landscape Heritage

- B. Comunidad Autónoma (SAU)
- Diputaciones: only Islas Baleares
Canarias and Pais Vasco

▼ **3.1.B Specific regulations required in order to reconcile and combine the respective needs of heritage and development plans.**

Yes

Approach (click to collaps)

Integrated Approach

- A. Central Government
- B. Comunidad Autónoma (SAU)

D. Municipio (municipal council)

▼ **3.1.C Known heritage sites ignored by the planning process**

No

▼ **31D How categories are integrated into planning policy. Regulations for the different activities. Who provides regulatory advice**

Assets of Cultural Value (Bien de Interés Cultural-BIC) / Monuments, Historical garden, Historical Ensemble, Historical Site, Archaeological Zone

Activity	Regulation	Who provides/permits regulatory advice?
Demolition	Permit	Competent authorities (see SAU)
New constructions	Permit	Competent authorities (see SAU)
Changes in volume	Permit	Competent authorities (see SAU)
Changes in appearance	Permit	Competent authorities (see SAU)

Historical site (Sitio Histórico) / Assets of Cultural Value (Bien de Interés Cultural-BIC)

Activity	Regulation	Who provides/permits regulatory advice?
Demolition	Permit	Competent authorities (see SAU)
New constructions	Permit	Competent authorities (see SAU)
Changes in volume	Permit	Competent authorities (see SAU)
Changes in appearance	Permit	Competent authorities (see SAU)

Historical ensemble (Conjunto Histórico) / Assets of Cultural Value (Bien de Interés Cultural-BIC)

Activity	Regulation	Who provides/permits regulatory advice?
Demolition	Permit	Competent authorities (see SAU)
New constructions	Permit	Competent authorities (see SAU)

Changes in volume	Permit	Competent authorities (see SAU)
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Changes in appearance	Permit	Competent authorities (see SAU)
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Archaeological zone (Zona arqueológica) / Assets of Cultural Value (Bien de Interés Cultural-BIC)

Activity	Regulation	Who provides/permits regulatory advice?
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Demolition	Permit	Competent authorities (see SAU)
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New constructions	Permit	Competent authorities (see SAU)
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Changes in volume	Permit	Competent authorities (see SAU)
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Changes in appearance	Permit	Competent authorities (see SAU)
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Monuments (Monumentos) / Bien de Interés Cultural (BIC) (Assets of Cultural Value)

Activity	Regulation	Who provides/permits regulatory advice?
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Demolition	Permit	Competent authorities (see SAU)
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New constructions	Permit	Competent authorities (see SAU)
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Changes in volume	Permit	Competent authorities (see SAU)
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Changes in appearance	Permit	Competent authorities (see SAU)
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Assets of Cultural Value (Bien de Interés Cultural-BIC) / Monuments, Historical garden, Historical Ensemble, Historical Site, Archaeological Zone

Activity	Regulation	Who provides/permits regulatory advice?
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Demolition	Permit	Competent authorities (see SAU)
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New constructions	Permit	Competent authorities (see SAU)
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Changes in volume	Permit	Competent authorities (see SAU)
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Changes in appearance	Permit	Competent authorities (see SAU)
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Spanish Historical Heritage (Patrimonio Histórico Español) / 3

Activity	Regulation	Who provides/permits regulatory advice?
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Demolition	Permit	Competent authorities (see SAU)
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Changes in volume	Permit	Competent authorities (see SAU)
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Changes in appearance	Permit	Competent authorities (see SAU)
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Inventoried Assets (Bienes inventariados) / Moveable Assets

Activity	Regulation	Who provides/permits regulatory advice?
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Demolition	Permit	Competent authorities (see SAU)
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Changes in volume	Permit	Competent authorities (see SAU)
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Changes in appearance	Permit	Competent authorities (see SAU)
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3.1.E Is information available on the number of heritage sites (all types of heritage) destroyed or severely damaged (without ..

3.1.E Information available on the number of heritage sites (all types of heritage) destroyed or severely damaged (without the permission of the authorities) due to development projects.
Partially

▼ Approximate number of sites destroyed or severely damaged in the year

3.1.F Is information available on the number of heritage sites destroyed or severely damaged due to any of the activities listed

3.1.F Information available on the number of heritage sites destroyed or severely damaged due to the activities listed below, which are outside the spatial planning system but can impact on heritage sites (e.g. agriculture, natural erosion)
Partially

▼ Please give the approximate number of sites affected per year and specify if other activities affect heritage in your context

3.1 Commentary

Commentary (click to collaps)

Integrated Approach

3

Town planning and environmental legislation

Law 16/1985, of June 25, of the Spanish Historical Heritage, establishes in its Art. 20:

1. The listing of a Historical Landscape, Historical Site, or Archaeological Site as a Cultural Property will place an obligation on the Municipality or Municipalities in which they are located, to draw up a Special Protection Plan for the area affected by the listing or some other planning instrument among those contemplated in the town planning laws that should in any case fulfil the requirements set down in this Law. Approval of this Plan will require a favourable report from the competent Administration for the protection of the cultural property affected. A favourable report will be understood to have been issued three months after presentation of the Plan. The obligatory nature of this Plan cannot be excused in the case of the pre-existence of a plan contradictory to protection, nor in the case of the previous non-existence of general planning.

2. The Plan referred to in the above section shall establish for all public uses the priority order of its installation in the buildings and spaces that are appropriate for it. Possible areas for integrated renovation will be contemplated that will make the recovery of the residential area and of the adequate economic activities, possible. It will also contain criteria related to the conservation of façades and any coverings or installations on these.

3. Until definitive approval of this Plan is given, the granting of licenses or the execution of those granted before initiating the declarative report on the historical group, historical site or archaeological zone, shall require a favourable decision by the competent department of the Administration for the protection of the properties affected and, in any event, new alignments, changes in building area, parcelling, or additions will not be allowed.

4. Beginning from the definitive approval of the Plan referred to in this article, the City Councils involved shall be able to directly authorize the works for implementing the approved planning, and that only affect properties that are not historical gardens or monuments nor in their surrounding area, should account to the Administration competent for the execution of this Law for authorizations or licenses issued in a maximum of ten days from their authorization. Any works carried out under licenses contrary to the approved Plan shall be illegal and the competent department of the Administration can order their reconstruction or demolition at the expense of the body that granted the license in question, without affecting provisions in the urban planning legislation on responsibilities for infractions.

In regard to environmental legislation, Spain has a highly effective instrument, the Royal Legislative Decree 1302/1986, of June 28, on the Evaluation of Environmental Impact (EIA). This regulation, though basically aimed at the preservation of natural resources and defence of the environment, at the same time has a bearing on the protection of cultural heritage. Evaluations of environmental impact constitute a generalized technique of environmental defence in all industrialized countries. In Spain, this Royal Legislative Decree completes and normalizes this important administrative procedure, the evaluation of environmental impact, based on a Community regulation, Regulation 85/377/CEE, of June 27, 1985.

The effect in the area of protection of cultural heritage derives from Article 1 of this standard. In anticipation of projects subjected to EIA, it establishes that this Evaluation should identify, describe and evaluate appropriately, as a function of each particular case, the direct and indirect effects of a project on, among other factors, material objects and cultural heritage. Therefore, protection of cultural heritage is introduced as a criterion in this procedure.

3.2.A For each category/level of heritage listed in 2.3, please indicate which party (state, owner or other) carries out conserv

Category and level:

Inventoried Assets (Bienes inventariados) / Moveable Assets

Conservation (click to collaps)**Regular maintenance****Who does conservation? Regulation Other (please specify)**

Owner	Permit	Competent Authority (see SAU)
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Can public authorities can carry out conservation on this category if the owner fails to do so?:

Who pays?: Owner

Restoration**Who does conservation? Regulation Other (please specify)**

Owner	Permit	Competent Authority-see SAU (art.6and7 Spanish Historical Heritage Law)
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Can public authorities can carry out conservation on this category if the owner fails to do so?:

Category and level:

Assets of Cultural Value (Bien de Interés Cultural-BIC) / Monuments, Historical garden, Historical Ensemble, Historical Site, Archaeological Zone

Conservation (click to collaps)**Regular maintenance****Who does conservation? Regulation Other (please specify)**

Owner	Permit	Competent Authority-see SAU (art.6and7 Spanish Historical Heritage Law)
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Can public authorities can carry out conservation on this category if the owner fails to do so?:

Who pays?: Owner

Restoration**Who does conservation? Regulation**

Owner	Permit
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Can public authorities can carry out conservation on this category if the owner fails to do so?:

Category and level:

Spanish Historical Heritage (Patrimonio Histórico Español) / 3

Conservation (click to collaps)**Regular maintenance****Who does conservation? Regulation Other (please specify)**

Owner	Permit	Competent Authority-see SAU (art.6and7 Spanish Historical Heritage Law)
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Can public authorities can carry out conservation on this category if the owner fails to do so?:

Who pays?: Owner

Restoration

Who does conservation? Regulation

Owner

Permit

Can public authorities can carry out conservation on this category if the owner fails to do so?:

Who pays?: Owner

▼ **3.2.F What criteria are used to establish the priority for publicly funded works to the heritage?**

Integrated approach

Other criteria:

Archaeological Heritage

Other criteria:

Architectural Heritage

Other (please specify):

Landscape Heritage

Other (please specify):

▼ **3.2.G Do permits or licences for archaeological work include specific conditions that include requirements to carry out non- des**

Preventative archaeology

32G Preventative archaeology:

Non-preventative archaeology

32G Non-preventative archaeology:

32H options:

32J Are there procedures in place for the conservation and maintenance of the archaeological heritage in situ? :

Commentary:

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