

## The Xabia General Town Plan - some definitions

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In view of the forthcoming review of the General Town Plan not much is known of the terms and phrases of which we hear much in the coming months. Here are some definitions:

PGOU: Plan General de Ordenación Urbana - General Town Plan

The first General Plan was in 1965 and was pioneering among those of the Province. It determined that 1.84% of the land was urban, 45% was urbanisable land and the remaining 52% not urbanisable. It idea tried to give credence to a potential of growth of some 62,000 dwellings; which according to the occupational indices of the time( 3.5 persons per dwelling) would suppose some 218,000 inhabitants. A PGOU is not limited to the breadth of development, but also its characteristics. The PGOU specified the maximum height of building to be 5 floors, preventing Xàbia turning into a mini Benidorm.

The second PGOU dated from 1990: The figures were 28% Urban land; 22% urbanisable and 49% non-urbanisable. These aspired to a potential growth of 48,437 dwellings (at 3.15 persons per dwelling)leading to 153,000 inhabitants.

But we shouldn't be alarmed since these dwellings are only fully occupied during a few days in August. Even then, probably not entirely, since a figure of around 13% unoccupied has been reported by the INE (Instituto Nacional de Estadística de España) for Xabia (although rubbish disposal and water bills give different data, that's to say 42,000 people in 33,000 properties).

U.A. Unidad de Actuación: Unit of Activity: A zone of generally urban ground, following the categories of the PGOU.

P.A.I.: Programa de Actuación Integrada: Programme of integrated activity: "Integrated Activity" is public urbanisation work (by private builders or the Administration) carried out on two or more plots of land, at a single time or in phases. (Thus a phased urbanisation is a single programme)

P.A.A. Or P.AAIS: Programa de Actuación Aislada: Programme of isolated activity. This refers to building on a single plot and its previous or simultaneous connection to the services and infrastructure.

The Plan foresees its execution via PAA in plots which do not need urbanisation works, because they already exist; unless this conflicts with the overall plan or are inadequate.

Solar: Plots. These are plots of urban land suitable for building which conform to the following requisites.

- That they are urbanised according to the norms of the Plan and if there are no norms:
- To have unpaved road access; water supply, drainage and electricity
- Paving of the road in front and sidewalks
- that they show alignments and grazing if a Plan of Ordination exists.

Classification of the Land:

Suelo Urbano: Urban land: The Plan classifies as urban land that which is anticipated to be developed

preferredly by means of a PAA; that supplied totally or partially with services according to the criteria of the Planning Regulations of the Valencian Community; and those small urban elements or blocks where at least some of the plots are considered "solar" plots.

Exceptionally, the Plan will be able to classify as "urban", land whose development will be by means of PAI in the following cases:

A) Land consolidated by urbanization, which already allows PAA, but which turns out to be better developed by PAI

B) Land consolidated by building and which is integrated into the Urban nucleus

The Plan further details land categories:

**Suelo No Urbanizable: Non-Urbanisable land:** That designated for rural, natural uses; because of the value and richness of the land or because of the presence of natural risks (e.g. erosion, flooding and other risks which recommend against its transformation) or because it is inadequate for urban development in conforming with the objectives and criteria established by the legislation on land-use planning (Valencian Law of non-urbanisable land).

One can only build on the minimum plot size in the case of "Suelo No Urbanizable Común" - "Non-urbanisable Common Land" .

One can distinguish:

**Suelo No Urbanizable Común: Non urbanisable common land:** This is agricultural land. Isolated dwellings are permitted on plots of a minimum of 10,000 square metres according to the Valencian law of Non-urbanisable land.

**Suelo No Urbanizable Protegido: Protected non-urbanisable land:** Building is not permitted. These are forestry lands, ecological landscapes, coasts or other types defined in the Valencian law of Non-urbanisable land. The Plan establishes the minimum guidelines of defense against urbanisation and building, and delimits zones of special protection.

**Suelo Consolidado o Semiconsolidado: Consolidated or Semi-consolidated ground:** Land is considered as "consolidated by construction" when more than 50 percent of the buildable land is occupied by construction according to Integrated Activity defined with requirements of the LRAU.

**Sistema General: General System:** Land destined to be used for collective and general purposes; i.e. those that support the town plan and overall urban development. e.g. The systems of connection (roads); those of parks and green zones, and of urban services and basic infrastructure; cultural and sport infrastructures, parking (private or public), etc.

**Zones:** Lands under the town-planning regime for which the General Plan regulates the conditions.

**Plan Especial: Special Plan:** A plan related to the General System e.g. (Following the 1990 PGOU) The Montgó Park, the esplanade of Montañar 1 and of the Barraca beach, and of the Granadella beach; or the

drainage infrastructures of the Saladar, or the network of potable water and sewage system, or the establishment of a main carriageway for the municipality or road network.

Plan Parcial: Partial Plan: A PAI or PAAIS

Reclasificación del suelo: Reclassification of an area: The reclassification of an area, either to permit its urbanisation, or to consolidate it within an urban nucleus, or else to remove its authority for urbanisation, or to protect it by means of some legal measure.

In view of recent conservation attitudes towards the environment and for the sake of sustainability, it seems likely that in the writing of the PGOU of Xàbia the second type of reclassification will be much more probable. Nevertheless at the time of reclassification, it is necessary to recognise that not everything is possible. For example, to reclassify consolidated urban ground would be too expensive, and almost impossible, since it would be necessary to compensate the proprietors. Also, to reclassify consolidated urbanisable land to non-urbanisable is difficult because of the loss of income to the municipality.

Nevertheless, in the case of unconsolidated urban or urbanisable land (i.e. not yet urbanised or not built upon), it is possible to reclassify without compensation (in accordance with repeated legal judgements).

Parcela Mínima: Minimum Parcel: According to the current PGOU of Xàbia, it depends on the type of land, but generally: In Urban Ground, the minimum plot varies between 1000 and 1500 square meters, but most common are the zones where the minimum parcel is of 1000m<sup>2</sup> (although there are small zones where the minimum parcel is of 500 to 700 square meters).

In Urbanisable Land the minimum plot also varies between 1000 and 1500 square meters. In Common Urbanisable Ground, by law, the minimum plot size is 10.000m<sup>2</sup>, the minimum plot needed to construct a private house.

Edificabilidad Building Limit: The parameter that defines the number of buildings permitted on a site, usually defined by area. Can be determined by the General Plan.

Reparcelar: Redistribution: Redistribution is grouping or integration of the properties included in a Polygon or Unit of Activity to be re-divided according to the Plan, awarding the resulting plots to the proprietors of the original property, in proportion to their respective rights, and to the competent Administration (usually the Municipality) according to the Law and to the Plan. The Redistribution has as objectives:

A fair distribution between the interests of the beneficiaries and the costs to the town plan. Organisation of the property to adapt its configuration (especially geometric) to the requirements of the Plan.

The situation regarding certain plots and in zones suitable for construction of benefits established by the Plan.

The location regarding certain plots and in zones suitable for construction of benefits to the operating Administration.

Urbanizar: Urbanisation: To create infrastructures and services in a zone, area or Unit of Activity, that is to say: pavements, avenues or upgrades of the existing ones, paved or asphalted roads, public lighting system, water supply and drainage and provision of electricity, telephone and other wiring, green points, etc. Cesión de terreno para urbanizar Cession of Land for urbanisation:

The LRAU forces a determined proportion of the land to be given up for the infrastructures and services of the urbanisation (sidewalks, sewage system, illumination, etc.), that will be the responsibility of the proprietor. This percentage is about 30% in urban land, and 40-50% in urbanisable land.

If the zone already has been urbanised, that is to say, it already has the forementioned infrastructure and services, it is not necessary to cede territory or to pay urbanisation costs. Nevertheless, if there is a plot in an urban or urbanisable zone that has not been urbanised, and even though the adjacent houses do not have infrastructures or services from the urbanisation, the proprietor of the land, if he wishes to build, will have to yield between 30% and 50% of his land.

This fact has been considered an abuse by the detractors of the LRAU. Not only that, but if after the cession, the resulting residual plot does not have the minimum area for construction, the proprietor of the land will have to pay the city council for permission to build.

Las Leyes: The Laws

\* Land Law 1976 : Still largely relevant state law because it is a basic law.

\* Land Law 1992: Almost obsolete state law due to an opinion of the Constitutional Court. Although the state Land Law serves as its basis, specific questions on land and urbanism are decided by each independent community. In fact, the Spanish Constitution (1978), articles 148-149, specifies that urbanism and the planning of the territory fall under autonomic competency. This is used to justify the Statute of the Valencian Community that insists that the exclusive competence in the matter of urbanism, house, the coast and planning of the territory, is the Community's.

(Since June 2007 there is a new general land law. See article "Main features introduced by the new and law".)

\* LRAU: Regulating law of the town planning activity. At the moment a law subject to controversy, and submitted to the scrutiny of the European Community which does not look kindly on the abuses committed in its name. It was originally designed to enable orderly expansion with infrastructures of urban nuclei, and to avoid speculation with urban land. Unfortunately, once the law was passed, the trap was easily seen. Hence the creation of the figure of the "urbanising agent" along with easily influenced mayors. This has resulted in a riotous urbanism that has harmed many people and overwhelmed the patience of most citizens.

\* LOT: Law of Arrangement of the Territory

\* Law of non-Urbanisable Land (2004)

\* Law of Arrangement of the Territory and Protection of Landscape (2004)

\* LUV: Valencian town planning law, or rather first draft of this law. It tries to improve the LRAU, but the

first indications are not very favourable. For this reason, and so as to avoid changing the law whenever there is a change of government, the two largest parties in the Generalitat are trying to achieve a consensus with the LUV. Consequently, instead of six months, it is estimated that this law will take at least two years to be approved.

Suspension of licenses :

The suspension of licenses when initiating the writing of a PGOU is not obligatory, but is recommended in those zones susceptible of reclassification, that is to say, not consolidated: urbanisable land not yet programmed and non-urbanisable land. Suspension of licenses in urban and urbanisable land is also possible, although it is less attractive because the proprietors of the land have more acquired rights. The suspension of licenses can include the licenses of plots, construction and demolition, as well as the authorization of PAI and PAAIS.

What is the object of a PGOU?

A PGOU has for its objective the town planning of all the land within the municipality. In addition, the PGOU is the result of the revision of previous plans. Another objective is the classification of land i.e. the determination of the percentage of Urban Ground, Urbanisable, Common non-Urbanisable and Protected non-Urbanisable. Other elements defined in a General Plan are:

Type of constructions

Height of the constructions, boundaries, geometric configuration of the plots.

Units of Activity, conditions of urbanisation.

Specifying buildings or elements protected in the municipal area. Two levels of classification of the protected patrimony/heritage are defined, based on their degree of individual or generic conservation : catalogued and non-catalogued patrimony.

All the foregoing will have to be developed through town planning Decrees and through the corresponding Plans that in detail comprise the town planning for a whole municipal area.

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