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**REPORT ON SPATIAL PLANNING SYSTEMS IN  
MEDITERRANEAN COUNTRIES.  
SPAIN**

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## **LIST OF ABBREVIATIONS**

AC: Autonomous Communities

AGADEN: Association for the Defence of Nature.

BOE: Official Bulletin of the State.

CCA: Carrying Capacity Assessment.

EIA: Environmental Impact Assessment.

GSA: General State Administration.

ICZM: Integrated Coastal Zone Management.

MTPD: Maritime-Terrestrial Public Domain.

MTZ: Maritime Terrestrial Zone.

PDUSC: Master Urban Development Plan for the Coastal System.

PORN: Plan de Ordenación de Recursos Naturales

POTA: Andalusian Land Management Plan.

PRUG: Plan Rector de Uso y Gestión.

SEA: Strategic Environmental Assessment.

SP: Spatial Planning.

## EXECUTIVE SUMMARY

This national report covers the current situation regarding the development of the spatial management system in Spain with special reference made to the coastal zones in the Spanish Mediterranean.

The report is split into two parts. The first part deals with a study of the general features of spatial management, highlighting the assuming of this competence by the Autonomous Communities (AC) as a result of the Spanish political and administrative system and the subsequent sharing of responsibilities between the AC and the General State Administration (GSA) that derives from the 1978 Spanish Constitution. The AC are assigned sole rights to the authority to legislate for, regulate and execute spatial development on the basis of the various States of Autonomy.

Broadly-speaking, the spatial planning system implemented by the AC is characterised by a hierarchical system of plans that pivots on two aspects: on the one hand, from the territorial point-of-view AC Laws usually distinguish between the Plans and Directives of a regional scope, and spatial plans of a sub-regional scope. These latter are linked to areas of territory such as provinces and other supra-municipal areas. In other respects, from the operational angle, AC Laws provide for instruments for specific sectoral plans by sector.

The process for formulating and approving the regional spatial plans generally comprises five distinct phases: 1) The decision to formulate the plan; 2) The preparation of a preliminary or advance document; 3) Initial approval; 4) Provisional approval, and 5) Final approval.

As spatial planning policy has gradually come to be understood as a practice that is closer to the reality of the problems, so new formulae have been sought for territorial governance which stress public participation in the planning process.

To ensure that the spatial plans are effective and put in motion correctly, monitoring organisations have been set up in all the AC. In Andalusia, this is the General Directorate and Inspectorate for Spatial Planning, Urban Development and Housing, which in general terms is responsible for inspection and the exercise of the Junta de Andalucía's administrative disciplinary powers with regard to spatial planning and urban development.

With regard to planning instruments, environmental impact instruments for both Environmental Impact and Strategic Environmental Impact Assessment stand out, as does carrying capacity. These are all regulated in internal legislation. The existence of the Maritime-Terrestrial Public Domain (MTPD) must also be mentioned as the most important legal-administrative singularity in Spanish coastal zones. Finally, the existence of a number of institutions responsible for monitoring and observing the coastal zones on both the national and autonomous levels should also be mentioned.

In the second part of the report –devoted to a diagnosis of the current system of marine-coastal planning- firstly, one fact that stands out is that the MTPD’s sphere of application is different from the Protocol’s area of geographical application as defined in its Art.3, and that it is also inadequate for achieving the overall and effective protection of the coastal zone, especially with regard to the inland boundary.

Despite the existence of a wealth of legislation relating to the coast there are still no specific regulations for the integrated management of coastal zones in Spain. Nevertheless, steps are being taken for a policy to be drawn up in this regard, as is borne out by the Spanish Strategy for Integrated Coastal Zone Management (ICZM), which defines the strategic goals for the sustainable development of coastal zones and their integrated management, and the 2007 Spanish Strategy for Sustainable Development, which designates ICZM as one of the main challenges of the future for driving sustainable urban development in coastal regions.

With regard to the specific features of spatial planning in coastal zones, the first thing that attracts attention is the system for sharing competences for matters of coastal management between the various Public Administrations which derives from the political and administrative system. The majority of the public duties in this area are assigned to the General State Administration and the Autonomous Communities, although local administrations have a small but important area of competences.

The management and tutelage of the MTPD regarding its occupation and usage corresponds to the GSA as does the granting or refusal of authorisations in the areas of easement of passage and access to the sea.

Although the State’s rights to the MTPD have been recognised, the competences for matters pertaining to management of the shore have been assumed by the AC. With regard to the municipalities, although they possess fewer competences, they do hold one of the most important, the planning and management of land use (urban development), which is subject to control and regulation by the AC.

Another feature of spatial planning in Spanish coastal zones is that the land that is planned and managed both in the AC and in local bodies coincides with the municipal territory of the provinces around which the Autonomous Communities are constituted and therefore includes, but does not extend beyond, the maritime-terrestrial zone. AC and municipal territory therefore ends at the hydrographic zero.

Finally, with regard to marine spatial planning, Spain can be said to be in the process of obtaining this instrument by means of the Act on Protection of Marine Environment (2010) which regulates the principles and general mechanisms for planning in the marine environment and transfers into Spanish Law Directive 2008/56/CE, which establishes an EU action framework for marine environment policy (framework Directive on marine strategy).

## **PART ONE: GENERAL CHARACTERISTICS OF SPATIAL PLANNING SYSTEM**

### **1. SPATIAL PLANNING SYSTEM IN THE COUNTRY**

#### **1.1 Introduction**

Current Spanish State land planning derived from the 1978 Constitution forms a system is composed of land planning and the linkage between the central power and the autonomous powers. The result is that the Autonomous Communities have been granted political autonomy for the management of their respective interests, establishing a well-defined system for the distribution of competences between the State and the Autonomous Communities. The Spatial Planning, as understood and executed in Spain today, therefore has its legal basis in Art. 148.1.3 of the Constitution, which contains the adoption of competences for this area by the Autonomous Communities, and confers upon them exclusive legislative, regulatory and executive power for the execution of Spatial Planning deriving from the various Statutes of Autonomy.

All the Autonomous Communities have enacted a Spatial Planning (SP) Law, with the result to date being 16 SP laws and the preparation of 12 spatial plans. Of all these laws, of most interest for the report given the direct repercussion that they have on the Mediterranean shore are the SP laws of the following Autonomous Communities with Mediterranean seabords:

The Autonomous Community of Andalusia, through Law 1/1994 of 11th January, on Andalusian Spatial Planning; Catalonia, through Law 23/1983 of 21st November, on Territorial Policy; the Community of Valencia, through Law 4/2004 of 30th June, on Spatial Planning and Landscape Protection; the Balearic Islands, through t Law 14/2000 of 21st December, on Spatial Planning, and the Autonomous Community of Murcia, through Law 1/2001 of 24th April, on the Land in the Region of Murcia.

All these laws define the objectives of spatial planning and include regional and sub-regional land management plans with the designation of their specific content and the procedures for their drafting and approval.

In general terms, the objectives described in above mentioned laws are: To foster balanced development, to improve the quality of life, to promote and improve the urban system, to forge links and integrate the territory both internally and externally, to establish where infrastructure, facilities and supra-municipal services should be located, to distribute activities and land uses in a balanced way throughout the territory, to improve the siting of production facilities, and to conserve the environment and cultural and historical heritage and contribute to the prevention of the risk of catastrophes of a natural or man-made nature. More recent laws of approval include sustainable development among the objectives of spatial planning, with the use of the terms “sustainable” and “sustainability” becoming more generalised from 1992 onwards, following the terminology of the United Nations Conference on Environment and Development.

However, the way in which the issue of the environment has been included in autonomous legislation on spatial planning varies both in intensity and in the way the objectives are defined and mechanisms for the protection and management of regional environmental resources and assets are determined.

As part of the development of Spanish Spatial Planning legislation, in 2007 Land Law 8/2007 of 28th May was passed, applicable to the whole of State territory. The new Land Law applies the values associated with the sustainable development over the developmentalist model, regarding the land as a scarce asset that is to be protected. Thus certain environmentalist postulates appear, the important precept of planning is recovered, and greater transparency is sought.

At the present time, there are two basic situations regarding the current state of the land: urban and rural. Urban land is that which legally and effectively comes under the funding and service system of settled population centres (towns and cities). Rural land, which is where we find the land that has been preserved by spatial planning and urban development, also includes land that planning instruments have set aside to be turned into urbanised land until the corresponding urbanising action has been completed, and, finally, all other land that does not have the status of urban land.

Spanish State political and administrative organization revolves around a linkage of competences shared between the State Administration, the Autonomous Communities, and municipalities with all these bodies having the autonomy to manage their own interests.

## **1.2 Spatial Planning Levels and Organisation**

Art. 137 of the Spanish Constitution indicates the way State territory is organised when it states that: “The State is organised into municipalities, provinces and the Autonomous Communities that are created. All these bodies enjoy autonomy for the management of their respective interests”.

Spain is therefore principally divided into 17 Autonomous Communities and two autonomous cities. Each autonomous community comprises one or more provinces up to a total of 50 throughout the whole of Spanish territory. Each province is in turn divided into a variable number of municipalities that amount a total of 8,111 in all Spain (National Statistics Institute, 2007). There are other territorial bodies with own legal status that consist of groupings of municipalities (counties or districts, municipal consortiums) or bodies of a lower rank than municipalities, known as minor local authorities.

The total land surface area of Spain is 505,987 Km<sup>2</sup> (195.363 sq.mi.) with a population of 45,951,005 as of 1st January, 2009 (National Statistics Institute, 2009). The five Mediterranean Autonomous Communities provide the following data: Andalusia has a surface area of 85,597 Km<sup>2</sup> (33,049 sq.mi.), a coastline of some 1,428 Km (551 ml.) in length and a population of 8,302,923; Catalonia

has a surface area of 32,113 Km<sup>2</sup> (12,399 sq.mi.), a coastline of 699 Km (419 ml.) and a population of 7,475,420; The Valencian Community (Region of Valencia) has a surface area of 23,255 Km<sup>2</sup> (8,979 sq.mi.), a coastline of 518 Km (311 ml.) in length and a population of 5,094,675; Murcia has a surface area of 11,313 Km<sup>2</sup> (4,368 sq.mi.), a coastline of 274 Km (164 ml.) in length and a population of 1,446,520 and the Balearic Archipelago has a surface area of 4,992 Km<sup>2</sup> (1,927 sq.mi.), a coastline of 1,428 Km (857 ml.) in length and a population of 1,095,426.

As stated above, SP policies are in the hands of the Autonomous Communities as a result of the political decentralisation process that has been ongoing in the Spanish State since the passing of the 1978 Constitution brought into being the so-called State of the Autonomous Regions. In this respect, the land planning system that was instituted by the Autonomous Communities is characterised in general terms by the establishment of a hierarchical system of plans that can be ranked in the following order:

- From a land perspective, the autonomous Laws usually distinguish between regional Plans or Directives and sub-regional land Plans for territory on the provincial scale or the scale of other supra-municipal bodies.

Plans and Directives on a regional scale are conceived as instruments with the nature of general directives, hence their name. The Directives' specifications provide a physical reference framework for the socioeconomic activities with which they are related in order to achieve a regional balance and the rational use of the territory and its natural resources.

The regional Plans on a sub-regional scale, meanwhile, focus their regulations on territorial spaces such as large urban agglomerations and metropolitan areas, mountain areas, mining areas, natural parks, coastal zones, etc. That is to say, the sphere of territory that they manage is variable and not necessarily linked to an administrative circumscription such as a group of municipalities, the county/district or the province, but to spaces with features that require detailed integrated management. In short, their function is to develop the strategic lines of the general Directives with the degree of detail necessary in both material and time or space aspects (see Annex VI and VII).

- From a functional perspective, the Autonomous Community Laws include instruments that provide for specific sectoral Plans when required, including, for example, plans regarding renewable energy, economic activities and commercial or technological facilities, large-scale infrastructure, the natural and cultural environment, etc. There are several notes defining these plans: 1. They are special plans due to the unusual or specific nature of the object they are designed for; 2. Any actions provided for in them are characterised by their supramunicipal, generally sub-regional, significance, and 3. These are plans directed at a sector of intervention and aimed at the sectoral and inter-sector

coordination of the activities that impact on the territorial sphere being managed.

Within these plans of a sectoral nature, other special instruments should also be cited that due to their content respond to the development of sectoral actions by the Autonomous Communities. These instruments are considered in all the Autonomous Communities under different names, such as Regional Projects or of Regional Supramunicipal interest. Unlike the sectoral plans, these projects lack the general perspective embodied in the plans, and are limited to planning specific initiatives, and also to regulating the works and actions to be executed.

On the basis of this systematisation it can be said that with regard to planning instruments there are two principals that govern management: 1. Hierarchical management in a cascade from the general Law and regional plans down to the most specific plan regarding issues or the regulated space on a sub-regional level; 2. Coordination between regional planning instruments and their specifications and other sectoral plans and actions that impact on the region.

The administrative organisation of SP within AC is very clearly defined by its horizontal nature. Its structure establishes collegiate management bodies in which the various Administrations whose policies have a major impact on regional organisation participate.

The assignment of SP to a Department of Public Works and Transport or, should it be the case, of Regional Policy, is the dominant model in administrative organisation in the Autonomous Communities. This model allows the criteria of the General Directorate of Spatial Planning to be internally integrated into the infrastructure policies with regional impact that are executed by other General Directorates in the same Department (see Annex VIII ).

By way of example, in accordance with Laws 1/1994 and 7/2002 and Decree 193/2003 that regulate the exercise of the Andalusian Regional Government's (Junta de Andalucía) competences in these matters, the Spatial Planning bodies are the Governing Council, the incumbent at the Department of Public Works and Transport, the incumbents at the Andalusian Spatial Planning and Urban Development Secretariat, the Provincial Commissions for Spatial Planning and Urban Development and the incumbents at the Provincial Branch Offices of the Department of Public Works and Transport (see Annex VIII ).

Spatial planning is the exclusive competence of the Autonomous Communities which exercise full powers for legislation, regulation and execution.
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### **1.3 Spatial Planning Process**

Spatial Planning plans are subject to a very similar drafting and approval process and, in general terms, during their preparation follow a blueprint used in

urban legislation for General Municipal Plans. They are, however, more complex as new processes are included with the aim of allowing collegiate bodies and even the legislative body itself to intervene. This is a long and complex administrative procedure in which means are put in place to enable cooperation between the bodies and administrations that might be affected by its decisions.

During the drafting process in some cases there might be as many as five distinct phases: 1. Decision to formulate the plan; 2. Drafting of a preliminary or advance document; 3. Initial approval; 4. Provisional approval and 5. Final approval.

Broadly-speaking, the characteristics and content of these phases are as follows:

1. Decision to formulate the Plan/Directives. This is the Autonomous Community Government's agreement on deciding to draft the plan. In general terms, this Governing Council agreement is made at the instance of the Councillor concerned, although in some Autonomous Communities the plans can be formulated by other administrations when they are sub-regional in scale. This is the case of the Island Council in the Balearics, for example, and in Catalonia, where they can be drawn up by local organisations.

In Andalusia and Murcia, the municipalities concerned can seek a decision to have the plan formulated as long as they comply with certain prerequisites. The request can be made by all or by a majority of municipalities, as long as they comprise the majority of the population or surface area of the scope of application in question respectively.

2. Drafting of a Preliminary or Advance Document. Plans are normally drawn up by the Department responsible for the matter, although exceptions exist, such as the case of Andalusia, where the plan is drafted by a Drafting Committee with the participation of the various administrations that the plan concerns.

This initial document sets out the specific objectives and the basic outline from which the plan will be constructed and is referred to either as preliminary or advance document. The document is then subject to a hearing and a report by the various administrations and collegiate bodies with regional competences.

3. Initial adoption. The preliminary or advance document phase is not the proceedings for regional or sub-regional and it is more usual for a well-defined document to be prepared which is occasionally referred to as the plan's Projects.

The Project for the Plan follows a range of different procedures. In some cases it is subject to a hearing and report by the various administrations and is subsequently adopted and then submitted to public information for

any representations to be made. If the modifications are substantial, the information and hearing process has to be restarted. In other cases, the document, once considered apt for due process to begin, is simultaneously submitted to hearing and public information and only then is adopted after any modifications considered pertinent have been made.

The adoption of these documents is done either through the Department responsible for matters of Spatial Planning, or by a collegiate organisation (Urban Development Committee, Territorial Policy Coordination Committee, etc.).

4. Provisional adoption. A provisional adoption phase before final adoption is only provided for in some Autonomous Communities, such as Catalonia, either for all or some of their instruments.
5. Final adoption. There are differences between the final adoption for plans on a regional scale and those on a sub-regional scale. Whilst the plans on a sub-regional scale are adopted by the autonomous community administration, in some cases after the prior intervention of the Parliament, which adds adaptations to them with its corresponding resolutions; in the case of plans on a regional scale, different adoption procedures can be seen: adoption by the executive with parliamentary intervention, as found in Andalusia and Valencia; and adoption into law by the Parliament, as is the case in the Balearics and Catalonia.

In this last case, as these are regulations with the rank of Law, it is rendered impossible for regional plans adopted by law to be contested in Courts on the Contentious Administrative Proceedings level. As they have been adopted by law, it would only be possible to indirectly formulate a challenge to these plans through a complaint of unconstitutionality or indirectly through the issue of unconstitutionality being raised by the legal bodies that examine the lawfulness of any legal action dictated in the execution of the plan (Spanish Constitution, Art. 163).

Finally, with respect to the period that the plans are in force, the casuistry varies; the formula of indefinite validity predominates, with the reasons for any review or modifications set out in the plans themselves, even in cases such as Catalonia, where the period of validity is made to strictly depend on the four-year legislative period and it is determined that the bases for action and the objectives be revised at the beginning of each legislature.

In general terms, the formulation and approval process for the spatial plans is made up of five phases: the decision to formulate the plan; the preparation of a preliminary or advance document; initial approval; provisional approval and final approval.

## 1.4 Participation, Public Involvement

The progressive understanding of SP Policy as an action that feeds off constant public participation and the gradual inclusion of the principle of subsidiarity, interpreted as the desirability that the issues should be dealt with by the authority that is closest to the problem, have led to the situation of a search for new formulae for regional government in which public participation in the planning processes plays a prominent role.

One example of this involvement is what the Autonomous Community of Andalusia devotes to this issue. In effect, Law 1/1994 provides direct citizen participation in the formulation of SP plans. This is also the case for other Autonomous Community legislation regulating the subject.

This participation is provided in the procedure for creating the plans. Law 1/1994 does not determine the time when participation has to take place for the regional plan, although Art. 8.3 of the Law indicates that public information will be guaranteed for a period of not less than two months. However, Art. 9.3 of Decree 83/1995 of 28th March, which agreed the formulation of the regional plan, defines that once the drafting of the plan was concluded it would be submitted to a public information and consultation process.

Law 1/1994 is more explicit with regard to sub-regional plans. Art. 5 states that "Once the plan has been drafted, it will be submitted to public information ...". Subsequently, Governing Council Agreements on the various plans prepared determine that the aim of this public information phase is to consult and hear the general public.

The issue that arises is the effect of this public information. Law 1/1994 does not place any constraints on participation in the public information process. As a result, this lack of objective conditioning suggests that during the public information period for a sub-regional plan document both comment regarding the various agreements for the formulation of the plans, and suggestions and alternatives might be presented. Any allegations must be based on the rule of law and this consists of a request for the modification, review or cancellation of the contents of the plan due to their affecting interests or subjective rights or for being contrary to other rules of law. The case is similar with respect to the sub-regional plan and so the same criterion can be upheld.

In this order of ideas, it can be stated that the Andalusian Spatial Planning Plan adopted through Decree 129/2006, of 27th June highlights the need to develop and provide an impetus to public participation mechanisms in both the spatial planning and management processes, and to this end the plan indicates that the public powers should promote, among other things:

- a) The encouragement of the diffusion of and general access to information which affects the Andalusian territorial system and its management with the availability of the appropriate mechanisms for admitting any contributions that might be made.

- b) The incorporation of the aspirations and initiatives of civil society through the linking of the appropriate participation mechanisms into the planning processes and the development of plans.
- c) A specific Working Table on spatial planning and on coastal management in particular will be set up within the framework of dialogue with social and economic agents endorsed in the Agreements on Social Dialogue where any and all issues brought up in the Andalusian Spatial Planning and Urban Development Committee should be debated.
- d) Bearing in mind the wide range of life circumstances and environments, in order to have direct knowledge of the state of satisfaction and the aspirations of Andalusian society, the drafting of a Survey of the Quality of Urban Life will be put into practice to analyse problems and demands with the objective of their being included in public policies.
- e) The promotion among a diverse network of partners (trade unions, business, professional, cultural and civic associations, etc.) of the Model's references in order that they might contribute to the development and management of the region and its planning patterns.
- f) The treatment given to these public participation processes and their outcomes should be dealt with both expressly and appropriately in the planning processes and the management reports.

Here we can cite the practical example of the Eastern Malaga-Axarquia Coast Spatial Plan. This is a sub-regional plan in the Andalusian Autonomous Community that covers 29 municipalities and a surface area of approximately 1,000 Km<sup>2</sup>. The Public Participation process is established by creating an organisation called the Drafting Committee and by the due public information and hearing process.

The Drafting Committee is composed of all the Mayors within the area, representatives from the various departments of the Autonomous Administration, a representative from the Spanish Geographical Association and a representative from the Provincial Council. Its duty is to assess and reach a joint consensus on the various documents that the Autonomous Administration organisation responsible for Spatial Planning prepares during the writing process for the Plan. Should there be any discrepancy, the majority decision prevails. In short, it could be said that this body acts as a forum to achieve consensus on the Plan among the Administrations. However, this body does not include all the actors involved in the spatial planning process and is therefore incapable of solving conflicts in the opposing interests of the social actors involved.

Meanwhile, the public information and hearing process established to hear representations and observations regarding the Plan leads to the generation of a true participatory process between the social actors involved, and is a compulsory regulatory phase in the administrative process in order that those affected might be heard.

The recognition of the existence of such opposing interests leads to the creation of an unregulated involvement procedure during the Plan's diagnosis phase to bring the various interests closer together. In this respect, sectoral working groups are created in which attempts are made to drive consensus and arrive at a shared diagnosis and achieve rapprochements regarding the key issues that the SPP has to resolve. The results of this unregulated phase are included in the final diagnosis documents that are presented before the Drafting Committee.

With specific respect to public participation in the integrated management of Andalusian coastal zones, various organisations providing advice or fostering cooperation between the various sectors and administrations that share interests in the coast can be seen to be involved in the decision-making process to a greater or lesser extent. For example, the *Andalusian Council for the Environment*, a collegiate organisation attached to the Department of the Environment, is constituted as a forum in which the different sectors interested in protection and conservation might participate. It focuses on more general aspects of the environment. The *Andalusian Biodiversity Council* can also be cited as a consultancy and advisory organisation on forestry, wild flora and fauna, hunting and inland fisheries. Also attached to the Andalusian DoE, the *Andalusian Water Council* is a collegiate organisation for participation, advice and consultation on all water-related matters whose objective is to unite the efforts and combine the various interests of the sectors involved: the public administration, trades union, business, environmental, irrigation, consumer and user organisations, with the aim of achieving the greatest possible consensus on the decisions that the Government of the Junta de Andalucía adopts on water policy in the Autonomous Community.

The collegiate bodies that implement social and public and private institution participation for the autonomous administration stand out in this regard due to their importance. With respect to public information, the specific information that each of the Departments has is arranged by topic area on their websites (Water, Air, Biodiversity, Hunting and Fishing, Climate and Meteorology, Protected Areas, the Coast, etc.).

However, general information is usually structured in the same way in the majority of the electronic portals. General information includes regulations and legislation, statistics, publications, directories, cartography, memorandum, important news, archive, library, notices and announcements, etc.

The fact that this general information is widely scattered around the various Departments, and even within them, makes any consultations difficult. In general terms, most of the information is in the form of statistics and maps. Whether the data and maps are understood as intended therefore depends a great deal on the user's knowledge.

As is the case of all other Autonomous Community legislation regulating this matter, Andalusian Law 1/1994 provides for direct citizen participation in the formulation of Spatial Plans.

## 1.5 Spatial Development Control Mechanisms

This section takes as its example the regulation of the way that the Junta de Andalusia exercises its competences for the inspection and control of the legality of spatial management and urban development, which can be extrapolated to the other Autonomous Communities in broad terms.

The point of departure in this respect is what is stipulated in Decree 525/2008, of 16th December, on the regulation of the exercise of the Junta de Andalusia's competences in matters of spatial management and urban development, where the responsibility for this is divided among a number of organisations and into two sections. The first section relates to matters of spatial management, and the second to matters of urban development. As its name might suggest, the organisation on which the greatest powers have been conferred is the Directorate General for the Inspection of Spatial Management, Urban Development and Housing, where, in general terms, power lies for the inspection and exercise of the Junta de Andalusia Administration's disciplinary legal authority in matters of spatial management and urban development. In particular, among other things the following correspond to this body, according to Art.7 of above-mentioned Decree 525/2008: Fostering cooperation with Local Corporations and other Public Administrations in matters of inspection of spatial management and urban development and in matters of spatial management and urban development discipline and compliance with the legislation in force; the issuing of reports at the request of the public prosecutor's office and Jurisdictional Bodies, and also the provision of aid to these in the exercise of their duties; to direct and coordinate any inspections that might be required for the exercise of their disciplinary authority in said matters, as well as the restoration of urban development law; to initiate, pursue and resolve protection proceedings for the observance of spatial management and urban development law that come under the competence of the Administration of the Junta de Andalusia and to adopt, where necessary, the measures for the reparation of any altered physical reality, including the ordering of demolition where appropriate, as well as the adoption of any precautionary measures that are decided upon, in accordance with Art. 188 of said Law 7/2002; to initiate and pursue any disciplinary proceedings that come under the competence of the Administration of the Junta de Andalusia; to raise legal challenges to Local Corporation acts or agreements with respect to licences, action projects, urban development projects, land division projects, execution orders and declarations regarding the lack of requirement of a licence, that contravene spatial management and urban development; and to impose penalty payments in cases of urban development offences and in proceedings for the protection of urban development law and the restoration of the rule of law that was violated.

On the provincial level, the Provincial Commissions for Spatial Management and Urban Development can be found: These are organisations of an advisory and decision-making nature which are also divided into two separate sections for spatial management and urban development. Among the issues that correspond to the Commissions in matters of spatial management and urban development inspection, within the scope of the province which

comes under their competence, is to inform and execute disciplinary actions in said matters when required to do so by the incumbent at the Department of Housing and Spatial Management or the incumbent at the Directorate General for the Inspection of Spatial Management, Urban Development and Housing.

Another of the actions that is undertaken within this general inspection and legal control framework that the Junta de Andalusia exercises is to attend to requests from the public prosecutor's office. In such cases, Department of Housing and Spatial Management activity includes undertaking the inspections and necessary examinations required to issue the report that is requested.

Decree 60/2010, of 16th March, on the adoption of the Andalusian Urban Development Regulation, can also be cited. The following are the foremost issues in these new regulations: The establishment of the compulsory nature of urban development licences, detailing the majority of situations in which they must be applied for (including, among other things, prefabricated houses). At the same time, it streamlines the procedure for licences to be granted; the exercise of the duty of inspection by municipalities is regulated; the legal authority that allows precautionary measures to be adopted by the Mayor against unlicensed building works is established; the procedure for fast-tracking demolition within a period of one month is set out for cases of manifestly unlawful constructions; and the municipality's *ex officio* duty to review licences granted with defects that determine their nullity.

In Andalusia, the General Directorate and Inspectorate for Spatial Planning, Urban Development and Housing is generally responsible for the inspection and exercise of the Junta de Andalusia Administration's disciplinary powers in matters pertaining to spatial planning and urban development.

## **2. SPATIAL PLANNING INSTRUMENTS**

### **2.1 Environmental Impact Assessments**

#### **2.1.1 Environmental Impact Assessments (EIA)**

The Environmental Impact Assessment (EIA) of projects is regulated, on the level of basic legislation, by Royal Legislative Decree 1/2008, of 11th January, which adopts the revised text of the Law on Environmental Impact Assessment of projects (*BOE State Gazette* of 26<sup>th</sup> January, 2008), which was in turn partially modified by Law 6/2010, of 24<sup>th</sup> March (*BOE* of 25<sup>th</sup> March, 2010).

The purpose of the Law on EIAs currently in force is to establish the legal regime applicable to the EIA of projects related to the undertaking of works, building of facilities or any other activity included in its Annexes I and II. The first of these lists the projects that must mandatorily be subjected to impact assessment, while Annex II contains those which, while not included in Annex I, can affect either directly or indirectly spaces that are part of the Natura 2000 Network.

Although not a comprehensive list, of the first of these those which have the greatest impact on the coast can be cited: mineral deposit exploitations linked to current dynamics - fluvial, fluvial-glacial, on-shore or wind; any other deposits or peat-bogs that due to their plant fossil content might have scientific interest for palynological and paleoclimatic reconstruction; the exploitation of marine deposits - exploitations located in protected natural spaces or in an area that can be seen from any of its established limits, or that are an impairment to their natural values; exploitations which are situated in an area of hydraulic public domain or a policed area around a basin when they are located in especially sensitive areas; river dredging when done in basin stretches or protected wetlands; sea dredging for sand when the volume to be extracted exceeds 3,000,000 m<sup>3</sup> (105,944,000 cu.ft.)/year; gas and oil pipelines with a diameter that exceeds 800 millimetres (31.5 in.) and a length that exceeds 40 kilometres (25 ml.); facilities for the use of wind power for the production of energy (wind farms), etc.

Project EIAs will include the following actions: a) An application by the promoter to the substantive body (the State, regional or local public Administration organisation responsible for authorising, approving or, if appropriate, monitoring projects that are to be subjected to an EIA) for the project to be submitted to an EIA accompanied by the initial project document; b) Definition of the scope of the environmental impact assessment by the environmental organisation after consultation with the public administrations that are affected and, where appropriate, the interested parties; c) Drafting of the environmental impact assessment by the promoter of the project; d) Compliance with the public information procedure and the consultation procedure with affected public Administrations and interested parties by the substantive body; e) A declaration of environmental impact issued by the

environmental organisation which will be made public and draw the assessment to a close.

With respect to an EIA with cross-border effects, that is, when it is considered that a project's execution might have significant effects on the environment of another EU member State, or when a member State that might be significantly affected so requests, the environmental organisation that is responsible for formulating the declaration of environmental impact will communicate to said State the possibility of opening a period of bilateral consultations to examine said effects and also any measures, should any be required, that might be agreed for averting them or reducing them. With this objective in mind the member State in question will be provided with a description of the project, together with all the relevant information on its possible cross-border effects and any other information arising from due process, prior to the project being authorised.

Finally, the following case can be cited as an example of an EIA that was conducted on an area of the Spanish Mediterranean shore: "Environmental impact study of the dredging of Catalanian Ports and Harbours. Phase 4: Transfer" for the Catalanian regional government's (*Generalitat de Catalunya*) Department of Regional Policy and Public Works, 2009. The main objective was to assess the effects that the sand dredging and discharge operations might have on the environmental quality of the most immediate surroundings of ports and harbours and the discharge areas (beaches).

An assessment was made of the interactions between the elements introduced through the execution of the project under analysis and the elements of the environment that were susceptible to being affected in their various ways on the physical, biotic and socio-economic levels. This analysis allows the content of the preventive and corrective measures to be defined that are required for minimising the effects that the execution of the work might have on the marine environment within which the project is framed.

Royal Legislative Decree 1/2008, of 11th January, prescribes the legal regime applicable to Environmental Impact Assessments (EIA) for projects.

### 2.1.2 Strategic Environmental Impact Assessment (SEA)

The Strategic Environmental Impact Assessment (SEA) has its legal basis in Spanish legislation in Law 9/2006, of 28th April, on the assessment of environmental effects of certain plans and programmes (*BOE* of 29<sup>th</sup> April, 2006). This law, as it is indeed defined in its own preamble, is a preventive instrument that enables environmental aspects to be included in the decision making process for public plans and programmes, and at the same time transfers into internal law Directive 2001/42/CE of 27<sup>th</sup> June, 2001, on the assessment of environmental effects of certain plans and programmes.

Similarly, Law 9/2006 regulates the process for conducting the SEAs of plans and programmes that the various public Administrations draw up and

approve. As the Autonomous Communities possess competences that involve planning activity, the incumbents of departments responsible for spatial planning and urban development play a significant role in said Law being complied with.

In this respect, the legislation that regulates plans and programmes introduces a process of environmental assessment into the administrative procedure applicable for their drafting and approval in which the developing organisation includes environmental aspects and which comprises the following actions: a) The preparation of a report on environmental sustainability of a length and breadth and a level of detail and degree of precision that will be specified by the environmental organisation; b) The conducting of consultations; c) The writing of an environmental report; d) The consideration of the report on environmental sustainability, of the results of the consultations and of the environmental report in the decision making ; e) The information on the passing of the plan or programme will be made public (Art.7.1). This assessment process also lays down the procedures for ensuring that the environmental assessment is always conducted during the process of drafting the plans and programmes and prior to them being approved.

Should no procedure for the drafting and passing of a plan or programme be provided for, according to Art. 7.3 of said Law, the public Administrations responsible for the plan or programme will establish the procedures that guarantee compliance.

Regarding the scope of application, according to this Law, despite plans and programmes and any modifications to them that might have significant effects on the environment being liable for environmental assessment, when Annex II, which lists the criteria that defines these effects mentions the pertinence of the plan or programme for the inclusion of environmental considerations with the specific objective of fostering sustainable development, the Law is limited only to the environmental aspects of the plans and programmes and does not take into consideration the issue of sustainability.

One example of an SEA being conducted on the State level is the Strategic Environmental Study of the Spanish coast for the installation of off-shore wind farms. This study defines geographically various off-shore wind areas for the installation of off-shore wind farms which are classified as apt, exclusion zones and zones with environmental factors. The aim of the study is to determine the areas of public maritime and land domain which have favourable conditions, in environmental terms, for the installation of off-shore wind farms.

On the regional level, the General Plan for Sustainable Tourism should be mentioned. In order to comply with the SEA process, and specifically with the Initial Assessment procedure provided for in Art. 18 of Law 9/2006 and Art. 37 of Andalusian Law 7/2007, of 9th July, on the Integrated Management of Environmental Quality, this plan establishes the following criteria: the objectives of the Planning, the scope and content of the planning, of the proposals and the alternatives; the foreseeable development of the Plan or Programme; the

foreseeable environmental effects; the foreseeable effects on strategic territorial elements, on the sectoral planning involved, and on the applicable legislation.

Law 9/2006, of 28th April, on the assessment of the effects on the environment of certain plans and programmes is the legal basis for Strategic Environmental Impact Assessment. The Strategic Environmental Impact Assessment of the Spanish coast, which includes the installation of offshore wind farms, is an example of an SEA on the State level.

### 2.1.3 Carrying Capacity Assessments (CCA)

This point of law can be found in Annex III of said Law 1/2008 on Environmental Impact Assessment. It deals with the criteria envisaged when selecting sites for projects, amongst which the following should be taken into consideration: the carrying capacity of the natural environment, with special attention paid to the following areas: Wetlands; coastal areas; mountain and forested areas; natural reserves and parks; areas classified or protected by State or Autonomous Community legislation; areas designated for special protection in the application of Directives 79/409/CEE and 92/43/CEE; areas in which the objectives of environmental quality set out in autonomous community legislation have already been surpassed; areas with a high density of population; and landscapes with historical, cultural and/or archaeological significance.

On the regional level, this principle is being used more and more frequently in Autonomous Communities' spatial planning, especially with regard to tourism, as in the case of the Canary Islands' General Management and Tourism Management Directives which distinguish between several aspects of carrying capacity (ecological, social, landscape, infrastructure and accessibility, etc.).

In Andalusia, this principle can be found in Directive 53.3 of the POTA (Andalusian Land Management Plan) on urban development in tourist areas, which states that town and country planning will guide management of tourist space with attention to the carrying capacity of the territories and the real prospect of gaining access to scarce natural resources.

For this, carrying capacity will be understood as all the factors that enable tourist use to be made without excessive pressure being placed on tourist resources, and without any inadmissible change in the ecology, territory and landscape.

Directive 11 of the 2000 Andalusian Sustainable Development Strategy, also known as Agenda 21, which deals with sustainable tourism, also demands an assessment of the tourism carrying capacity with respect to the shore. In this case, the assessment of tourism carrying capacity must be done in accordance with some specific factors: the preservation of the natural, landscape and historico-cultural heritage and the social reality of these territories.

This legal precept can be found in Annex III of said Law 1/2008 on Environmental Impact Assessment. As it deals with the criteria envisaged for selecting sites for the location of projects, one of the criteria that should be taken into account is the environmental carrying capacity.

## **2.2 Land Policies**

When Land Law 8/2007 came into effect on 1st July, 2007, it superseded Law 6/1998 on Land Regime and Valuation. It does not deal with urban development but with the land regime and equality in the exercise of related constitutional rights concerning the interests which, in keeping with the Constitution, are managed by the State. It is, therefore, a Law conceived out of the separation of competences established for these matters in the constitutional corpus. These can and must be applied while observing the exclusive competences attributed to the Autonomous Communities concerning spatial planning, urban development and housing and, in particular, public land heritage.

The main innovation in Law 8/2007 is that it does not classify land in urban terms, but considers land to possess one of two basic statuses: rural and built-up. It also eliminates the residual character of building land originally set out in Law 6/1998. This conferred on the Public Administrations and, in particular, on those that are competent in matters of spatial planning and urban development, a purpose that entails or enables the land that is required for meeting the needs that justify this to be changed, through urban development, from a situation of rural land to that of building land, thereby precluding speculation with this land, and preserving all other rural land from urban development. (Art.10).

The new Law does not eliminate this transition from rural land to building land through urban development, but it is clear that it must be understood that the autonomous legislator can reserve its classification as building land and the subsequent execution of the plan which envisages it as such. As such, according to the new State legislation, the only amount of land that can be classified as building land is that exact amount which is required to meet the needs justified by the Public Administrations.

The law 8/2007 of Land is considered the state legislation on land.

## **2.3 Monitoring and Observation Mechanisms**

As far as monitoring and observation mechanisms listed in national coastal zone inventories are concerned, it can be said that until the beginning of the decade (2000s), there was no explicit coastal management policy in Spain. From 2004 onwards there was a significant step forward in the matter, as in July of that year the initiative called the Main Changes in the Direction of Coastal Policy was made public. (Ministry of the Environment, 2004). Among the main points, this policy highlights the promotion of integrated and sustainable

management of the shore, the formulation of the Master Plan for Coastal Sustainability, the speeding up of the Boundary Plan, increased investments in sustainability, the preservation and recovery of marine biodiversity, the protection of the MTPD and the promotion of collaboration strategies with the Autonomous Communities and Municipalities.

There is also a Master Plan for a Sustainable Coast which was expedited during the 2004-2006 biennium, becoming the Sustainable Coast Strategy in 2007.

In the report on ICZM in Spain conveyed to the European Commission in March, 2006, in compliance with Recommendation 2002/413/CE on the application of the ICZM in Europe, specifically in Annex II, the national inventory on Integrated Management of Coastal Zones, and the means of gaining access to the main information contained therein, are mentioned in the cited report, in Annex II to be precise, submitted to the European Commission.

The national inventory on ICZM that was carried out for inclusion in the Report conveyed to the EC was done using surveys split into two phases. In the first phase, the heads of Service and Boundaries in each province were asked to identify the most relevant agents in each of the provinces and Autonomous Communities, and also to indicate the main legislation that affected the coastal zone. During the second phase, a questionnaire was then sent out to all the agents that were identified in order to complete and correct the list.

As a result, a simple and intuitive database has been designed which shows all the various interfaces that users will encounter and the information to be found in these.

This information has been catalogued in tables with contents that range from coastal agents, including companies, local NGOs, autonomous governmental departments, general secretariats with a national scope of responsibility, and NGOs and business associations on the national scale, to the laws mentioned in each Autonomous Community and laws that are applied in a general way due to their status of State or EU laws. Also included are the "Opinions on the state of the Coast" and "Opinions on the Management framework", which provide answers to agents from which responses have been received.

With regard to the specific content of these tables, all the fields are included that are required for answers to be given to any questions raised in the surveys used to draw up the national inventory.

Existing institutions charged with monitoring and observing coastal zones are divided into national institutions or agents and autonomous community institutions or agents. Each of these in turn contains Executive Institutions, such as the Directorate General of Environmental Quality on the national scale, and the Department for the Environment on the Andalusian Autonomous Community scale, for example; research institutions, such as the Spanish Oceanography

Institute (national) or the Andalusian Centre for Higher Marine Studies (autonomous); businesses, such as the Spanish Aquaculture Company (national) or the Association of Andalusian Environmental Sector Companies (autonomous); and NGOs, such as WWF-ADENA (national) or the Cadiz Association for the Defence of Nature (*AGADEN*) (autonomous).

The existing institutions responsible for monitoring and observing coastal zones are split into national institutions and agents and autonomous community institutions and agents, each of which in turn has its own executive body.

## **PART TWO: SPATIAL PLANNING RELATED TO COASTAL/MARIN ISSUES**

### **3. COASTAL ZONE MANAGEMENT**

#### **3.1 Geographical Coverage**

Coastal Law 22/1988 and its corresponding Regulations, adopted by Royal Decree 1471/1989, are considered today to be the basic legislation for coastal-marine affairs in Spain. It can be easily deduced from the definition of the Maritime-Terrestrial Public Domain (as given in point 2.2 of this report) that its scope differs from that of the geographical area of application of the Protocol defined in its Art.3, and at the same time it is insufficient for the effective overall protection of the coastal zone to be achieved, especially with regard to its landward boundary.

If on the one hand the MTPD includes the Territorial Sea and even the natural resources of the Exclusive Economic Zone and the Spanish Continental Shelf, going beyond the scope of application of Art.3.1.a, it does not, however, include the very edge of the coastal entities defined in Art.3.1.b.

The immediate consequence as far as the Protocol on ICZM is concerned is that in Spain, as we stand today, there is no definition of the Coastal Zone with regard to duties and functions or with regard to planning for the management of spatial plans, for example.

Despite all the precautions taken in defining the Coastal Law, in which some easements were established to facilitate the protection of the Public Domain, this has encountered some obstacles, of which the following stand out:

- Technical and legal problems with the definition of public domain and its delimitation.
- Legal problems with the interpretation of the authority of Coastal Law to inform about urban developments and regulate them (resolved by Constitutional Court Ruling 149/1991).
- A conflict and incompatibility with private interests that hinder the enjoyment of the Public Domain or make it difficult.

Coastal Law 22/1988 is the basic legislation on coastal-marine affairs in Spain. There is no definition of the Coastal Zone as defined in the Protocol.

#### **3.2 Integrated Coastal Zone Management**

The most significant singularity of the Spanish coastal region in administrative law is the existence of the concept of Public Domain. This concept is so important that the main source of Spanish law, the 1978 Spanish Constitution, states in Art. 132.1 that the legal regime of Public Domain must be regulated by law, adding that: "*The Public Domain is any asset determined by*

*Law and, in any circumstance, the maritime-terrestrial area, beaches, the territorial sea and the natural resources within the economic zone and the continental shelf”.*

In compliance with this constitutional mandate, Law 22/1988, of 23rd July, on the Coasts (BOE 19.07.1988) was enacted, expanded by means of a Regulation, and approved by Royal Decree 1471/1989, of 1st December (BOE 12.12.1989). Taking up the theme of the Constitution, Coastal Law defines and delimits the zone of public maritime-terrestrial domain, which comprises: 1) the seashore and the banks of estuaries which, in turn, include the maritime-terrestrial zone (or ‘MTZ’) (from the low tide mark to the inland limit as far as which the tide reaches), marshes and other wetlands, as well as beaches and dunes; 2) the territorial sea and inland waters, with their bottoms and subsoil; 3) the natural resources of the economic zone and the continental shelf. Cliffs also form part of the Public Domain. According to Art.7 of this Law, these properties are, moreover, inalienable, imprescriptible and unseizable, whereby no rights other than those of usage and exploitation as accorded by the Law are admissible, and all private withholding is deemed null and void by virtue of public domain, however extended this has been in time and even when endorsed by entries in the Property Register.

The Law guarantees free, public and cost-free usage of this area for common uses in accordance with the nature of the sea and its shore, as stipulated in Art.31 of the Law, and lays down the conditions under which other uses and usages can be conducted that cannot be sited elsewhere.

To ensure public use of the maritime-terrestrial public domain, Coastal Law and Regulation also envisage that spatial management and urban development legislation will provide for sufficient access to the sea and parking facilities except in spaces designated as special protection areas. To this effect, in built-up areas and areas set aside for urban development these should be a maximum of 500 metres (0.3 ml.) apart for vehicles, and 200 metres (0.124 ml.) for pedestrians. All access routes should have signage and open to the public upon their completion (Art. 28 of the Law).

As far as the distribution of competences is concerned, Coastal Law determines that the State Administration should be responsible for the demarcation of property in the maritime-terrestrial public domain and also its encumbrance and withdrawal from public domain, and the purchase or expropriation of land for its inclusion in said domain (Art. 110 of Coastal Law). Also in relation to the maritime-terrestrial public domain, the State shall also be responsible for its management, including the granting of assignments, licences and authorisations for its occupation and exploitation, the declaration of reserved zones, the licensing of fixed constructions in the sea, as well as of minor maritime facilities, such as jetties, piers, dry docks, and any such other facilities that are not part of, or assigned to, a port and, in accordance with what has been described above, licences in areas with rights or easement of passage and access to the sea (Art.10.b of Coastal Law).

Furthermore, Coastal Law determines certain legal easements for the greater protection of the maritime-terrestrial public domain. To this effect, the following are envisaged and regulated:

- a) an area of easement of protection of 100 metres (0.06 ml.), which can be extended to 200 metres (0.124 ml.) (20 metres (66 ft.) on land for urban development and designated as such on the date that Coastal Law came into force, in accordance with temporary provision nine.1 of Coastal Regulation, included in the new wording of temporary provision three, section 3, of Coastal Law), which extends inland along the length of the coast from the seashore, and on which required public services and facilities for coast users are sited.
- b) an area of easement of access, or right of way, of 6 metres (20 ft.), which can be extended up to 20 metres (66 ft.) from the seashore and which, therefore, is included within the protection zone. This area must remain free to pedestrian access and transit at all times.
- c) an area of influence, which extends a minimum of 500 metres (0.3 ml.) from the seashore where minimum conditions are laid down for the protection of the maritime-terrestrial domain which must be respected by spatial management and urban development.

Despite the important role that Coastal Law plays in shaping a coastal-marine management policy, this Law does not provide sufficient mechanisms for true Integrated Coastal Zone Management to be developed and, despite the fact that abundant sectoral legislation linked to the coast exists, there is still no specific legislation for the integrated management of coastal zones in Spain.

One of the main problems that derives from the complex division of competences for the coast among the various public administrations as a result of the Spanish political and administrative system is the difficulty that this constitutes for achieving proper administrative coordination.

This multiplicity of competences shared out between three main public territorial administrative tiers demands one aspect that is particularly relevant for ICZM, the need to have appropriate coordination and cooperation mechanisms in place. In spite of this, there are a number of initiatives and projects in which different types of coordination are being tried out that could form the basis for consolidating the trend towards integrated management of the Spanish coast. Among these are collegiate management and advisory bodies that facilitate the sectoral and vertical integration of the administration while at the same time creating a formal structure for the participation of private agents. Similarly, it should be pointed out that the framework Agreements between the Ministry of the Environment and Rural and Marine Affairs and the Autonomous Communities on integrated coastal management and local councils on the management of urban seafronts, and the advances in the Land Stewardship instrument made with private owners in shore areas, all represent major steps forward in inter-administration collaboration.

A recent example is that the Ministry of the Environment and Rural and Marine Affairs and Bilbao Town Council very recently signed an agreement that lays down the methodology and the actions to be taken by each of the two administrations for repairing the quays in the Ria.

By virtue of the Accord signed by Rosa Aguilar, the Minister of the Environment and Rural and Marine Affairs and Iñaki Azkuna, the Mayor of Bilbao, the Town Council and the Ministry will set up a stable collaboration mechanism to assist in the process of repair work on the Ria quays. An allocation of 11 million euros has been set aside for this in the 2011 General State Budget.

A mixed committee made up of representatives from both administrations will be responsible for monitoring the adjudication, execution, delivery and subsequent follow-up of the works, which will be directly managed by Bilbao Town Council with the express authorisation of the Ministry of the Environment, as the area in question is in the State owned public domain.

With respect to the participation process, what is striking is that there have been no public discussion forums for an environment that is so scarce and under such great threat as the coast. However, some recent changes can be seen. The *Directorate General of Coasts*, through some of its peripheral *Demarcations*, has gradually improved the application of public participation instruments. And this same central level, which at the present time possesses no collegiate body at all (unlike many State institutions), has proposed forums where possible solutions to the problems that the Spanish coast is suffering can be debated for the first time.

An inventory of coastal actors was drawn up within the framework of the implementation of European Recommendation 413 on ICZM, although the process is open to citizenship in general. The initiatory document of the 2007 Coastal Sustainability Strategy states the importance of active participation; it is not simply a case of complying with some formal consultation processes, but of creating a formal framework for the collaborative discussion of some objectives and ways of moving forward that are supported by a sufficient consensus of all the actors involved, from Public Administrations to the economic, social, cultural and university sectors and citizenship in general.

An example of that participation is the Workshop held on the 10<sup>th</sup> of May 2005 in Mojácar by the occasion of the participation for the preparation of the Feasibility Study of the CAMP Almería Project. The Workshop was attended by inhabitants of the eight municipalities of Levante de Almería. Amongst the attendees to the Workshop there were representatives of almost all the town halls of the municipalities of the area of study, local businesspeople, technicians of various institutions working in the area, trade unions, Chamber of Commerce, Agricultural Regional Offices. At the same time, members of the Regional Ministry of Environment and the Regional Agriculture and Agriculture and Fisheries Ministry of the Junta de Andalucía were also present. It was agreed that the main problems of the coast of the scope of the study were related with

aspects such as water management, urban development institutions, and marine resources.

As previously stated, in compliance with the requirements of Recommendation 2002/413/CE, the bases of the future Spanish Integrated Coastal Zone Management Strategy were disclosed in a Spanish National Report. The Report defined two strategic objectives linked to the sustainable development of coastal zones and their integrated management. On the one hand, it proposes that improvements be made to the environmental, economic and social conditions of the coastal zone and the use of its resources in accordance with the principles of sustainable development and, on the other hand, the revision and adaptation of the management and decision-making models to include the principles of ICZM.

For this, it is envisaged that actions will be initiated to allow advances to be made in achieving the two major goals that have been set. Some of these have already been set in motion, such as the Master Plan for Coastal Sustainability, the Observatory for Sustainability of the Spanish Coast, the creation of the National Coastal Council and the signing of collaboration agreements with the Autonomous Communities.

In the 2007 Spanish Sustainable Development Strategy, ICZM is indicated as one of the main challenges in the future for fostering sustainable urban development in coastal regions. For this it envisages a Strategic Plan for the Integrated Management of the Shore Area in collaboration with local and regional administrations.

Also, in the above-mentioned Coastal Sustainability Strategy it is proposed as an advanced, ongoing, flexible, agreed instrument for the integrated management of actions undertaken on the coast. It is a strategic planning document aimed at providing, from a broad territorial and temporal perspective, the necessary conceptual robustness and consistency including the principles of sustainability and integrated coastal zone management (ICZM) to the competences that the Coastal Law confers on the General State Administration.

It can be said that although the Coastal Sustainability Strategy is a document that was published at a later date than the above-mentioned Spanish Report on ICZM and which, furthermore, defines challenges that are pending - putting a brake on the massive occupation of the coast; the recovery of the littoral's physical and natural functionality; mitigating the effects of climate change, and changing the coastal management model- the elementary details of a strategy are not included: timetable, method, phases, advertising, etc. It is, rather, a document that "recycles" the work done for the Master Plan, but now with the aim of being interpreted as the beginning of the Strategy.

As of today, it is not clear whether the strategy continues or whether the timetable for its application has been changed. What is certain is that most of the announced measures have not happened, such as the setting up of a National Coastal Council or the Observatory for Sustainability of the Coast. It

can therefore be concluded on a practical level that the strategy has not had the desired effects.

Other instruments of a strategic nature are either in force or will be in the very near future: the Fisheries Plan, the National Maritime Rescue and Fight against Pollution Plan, the State Ports and Harbours Strategic Plan, Port and Harbour Environmental Plans, the Strategic Plan for the Conservation and Rational Use of Wetlands, etc. Among these instruments that have a direct or indirect effect on the shore the following must be cited: the Spanish Climate Change and Energy Strategy, the Sustainable Development Strategy, the Strategy for the Conservation and Use of Biological Diversity, the National Forestry Strategy, the Strategy and Action Plan to Combat Desertification, the Transport Infrastructure Strategy, etc.

Finally, there are numerous operational instruments, of which the following stand out. Firstly, those linked to the management of the Maritime-Terrestrial Public Domain (MTPD): the Boundary Plan, the Land Purchase Programme, the Coastal Maintenance and Preservation Programme, the Appropriations Programme for Access and Public Use of the Coast, Directives for Dealing with the Coastal Edge and Directives for Actions on Beaches. As a whole, these instruments aim for some subordinate objectives to be complied with, such as monitoring regression of the coast, the recovery and protection of shore systems, appropriations for access and public use of the coast, the definition of MTPD and best practice, the regularisation of entitlements to ownership of the MTPD, and the registering and processing of files on the Domain.

The most significant legal and administrative singularity of the Spanish coastal zone is the existence of the concept of Maritime-Terrestrial Public Domain (MTPD). Coastal Law 22/1988, of 23rd July, defines and establishes the legal regime of the MTPD, guaranteeing free access and cost-free public use for common usages and those in keeping with the nature of the sea and its shore.

Despite the importance of Coastal Law 22/1988 there are still no specific regulations for the integrated management of coastal zones in Spain.

The strategic goals for the sustainable development of coastal zones and their integrated management are defined in the Spanish Strategy for the Integrated Management of Coastal Zones.

There is a large quantity of both State and autonomic legislation on coastal management.

### **3.3 Specifics of Spatial Planning in Coastal Zones**

As has been mentioned previously, there is no specific law for the ICZM but, despite this, it can be stated that there are some peculiarities concerning the regulation of coastal zones in Spain.

The first peculiarity is linked to the distribution of competences in the management of the shore between various Public Administrations which results from the Spanish political and administrative system. According to this system the Constitution confers the majority of public duties for this matter on the General Administration and the Autonomous Communities, although a limited but nonetheless important area of competences is left to local administrations.

In this regard, the management and tutelage, occupation and exploitation of the MTPD (maritime-terrestrial public domain) corresponds to the General State Administration through the Ministry of the Environment and Rural and Marine Affairs' Directorate General for the Sustainability of the Coast and the Sea, as does the granting or rejection of licences in the areas of easement of passage and access to the sea.

With regard to the Autonomous Communities' competences, it should be highlighted that although the State's entitlement to the MTPD has been recognised, successive Constitutional Court rulings (STC 149/1991; STC 102/1995; etc.) have meant that competences in the area of coastal management have been assumed by the Autonomous Communities. For example, it is the competence of the State to define the public domain and to establish both the legal regime of the assets that comprise it, and the powers of management and execution required to preserve it, improve it, conserve it and ensure that it is used appropriately. However, the competences for declaring and managing Protected Marine Areas located in the maritime-terrestrial zone correspond to the Autonomous Communities.

Coastal spatial planning plans, which are sometimes found under other names, are generally aimed at managing the uses that can be found on the coastal strip, laying down the directives, criteria and principles of which they are composed, albeit in a more general or abstract way. These are the Autonomous Community's coastal management sectoral planning instrument, and all urban development plans and any other public decision that affects the coast are bound by their content.

These plans are contemplated in all the Autonomous Communities with a Mediterranean seaboard. Such is the case of the Balearic Islands, regulated through Decree 72/1994, of 26th May, with the purpose of guaranteeing that the best use is made of the resources and the integrity of the maritime-terrestrial public domain; in Murcia, by Decree 57/2004, of 18th June, which approves the Murcia Region Coastal Spatial Management Directives and Plan (modified by Decree 1/2007, of 26th January); in the Valencian Community, through the *Generalitat's* Law 4/2004, of 30th June, on Spatial Planning and Landscape Protection, which contemplates a regional Valencian Community Coastal Action Plan of a sectoral nature which will establish the directives for the occupation, use and protection of the coastal strip; in Catalonia, with a Master Urban Development Plan for the Coastal System (PDUSC), approved in 2005, one of the goals of which is to put a brake on the decline of the coastal system and provide it with protection; and in Andalusia, with the Eastern Costa del Sol-Axarquía Spatial Planning Plan, approved in Decree 147/2006, of 18th July, and the Granada Coast Spatial Planning Plan, the approval of which is pending.

As far as local bodies are concerned, even though the municipalities hold the smallest number of competences, they do possess one of the most important, that for the planning and management of land use (urban development), under the supervision and regulation of the Autonomous Communities.

Another feature of coastal management in Spain is that, broadly-speaking, both the Autonomous Communities and local bodies follow the Governing Council and Tribunal Court's doctrine regarding the area being planned and managed coinciding with that of the provinces which make up the Autonomous Communities and, therefore, including, but not extending beyond, the maritime-terrestrial zone. In this way, the territory of the Autonomous Communities and the municipalities ends at the hydrographic zero. However, in general terms, the Autonomous Communities have not followed the same path but there are, instead, a number of models to deal with this reality, as each of the Autonomous Communities responds in a different way within the existing legal framework on the definition of territory.

It should also be noted that the actions of the Autonomous Communities in coastal affairs are based on formal mechanisms, such as Spatial Planning Plans, or on informal mechanisms, such as the documents that derive from strategies, programmes and proposals which are not officially set out in binding legislation, for example.

In other regards, as far as concrete actions in coastal management affairs related to the Protocol are concerned, it can be stated that there is abundant legislation on both the State and the Autonomous Community levels in this respect.

Firstly, in the above-cited Coastal Law the Administration duly fixes the boundaries of the MTPD which, as has been seen (Report point 2.2.), can determine certain easements. The protection easement will be an area 100 metres (110 yds) inland from the landward limit of the seashore and can be extended to 200 metres (220 yds) with agreement from the corresponding Autonomous Community and Local Council. In this area are situated the public services and facilities required by coast users and all civil constructions are banned, except those that already existed prior to the adoption of the respective legislation or for duly accredited reasons of public use licensed by the Council of Ministers.

As far as the siting of economic activities in the vicinity of the coast is concerned, only the works, facilities and activities which due to their nature cannot be sited elsewhere or which provide services that are necessary or appropriate for the use of the maritime-terrestrial public domain will be allowed to be sited in the protection easement area. Similarly, industrial facilities may be licensed if they are of exceptional importance and when, for justified economic reasons, their siting on the coast is convenient, provided that they are sited in easement areas that correspond to stretches of the coast that are not deemed beaches, or wetlands, or other special protection areas. Any activities that are

authorised in this area must comply with any urban development plans approved by the competent Administrations.

In order for the economic activities in coastal zones to comply with the mechanisms for sustainable development, these activities are subject to the Environmental Impact Assessments (EIA) regulated, as seen previously, by *Royal Legislative Decree 1/2008, of 11th January, by which the revised text of the Law of Environmental Impact Assessment for projects is approved.*

With respect to the implementation of measures regarding specific activities, the case of offshore wind energy, regulated by Royal Decree 1028/2007 of 20th July, *by which the administrative procedure for the processing of applications for the licensing of facilities for the generation of electrical energy in the territorial sea* can be cited. This is the current legal basis for regulating offshore wind energy production which initiated the Environmental Strategic Study that contains the general plan of Spanish maritime zones apt for wind farm installation.

For all other activities the example of the Autonomous Community of Andalusia can be cited. This Autonomous Community has assumed major responsibilities for the ICZM. Apart from the aforementioned coastal spatial planning, land planning and urban development, the following can be highlighted: responsibilities linked to protected natural areas, coastal waters, licensing for uses and activities in the easement of passage area, dumping in the MTPD, environmental risk prevention, sea fishing, shell-fishing, marine aquaculture, marinas and fishing ports, tourism, historical heritage, etc. approved by the following legislation: Law 8/2003 on wild flora and fauna; Law 7/1994 on Environmental Protection; Law 1/2002 on the Management, Promotion and Control of Sea Fishing, Shell-fishing and Marine Aquaculture; Law 8/1988 on Andalusian Recreational Ports and Marinas; Law 12/1999 on Tourism; Law 1/1991 on the Historical Heritage of Andalusia, etc.

Meanwhile, the State Law on Natural Heritage and Biodiversity (Law 42/2007, of 13th December) establishes as legal precepts for the protection of natural spaces: a) Parks, b) Natural Reserves, c) Marine Protected Areas, d) Natural Monuments and e) Protected Landscapes, depending on the goods and assets to be protected and the management objectives to be met.

More peculiar is the legislation implemented by some Autonomous Communities regarding landscape policies since the coming into effect of the Council of Europe's Florence Landscape Convention (2002) with plans to extend its effects to the sea. This is the case of Valencian Law 4/2004, of 30th June, on Territorial Management and Landscape Protection, for example, whose scope of application includes both land spaces and internal and maritime waters.

There is also the challenge posed by the effects of climate change on the coast. The data presented by the Spanish Office for Climate Change conclude that there will be an overall rise in the height of flood waters along the whole coast, and especially along all the urban seafronts in beach areas in the Mediterranean Arc. It is therefore essential for measures to be urgently adopted

on both the national and regional levels that are capable of mitigating the effects of climate change and adapting to the new conditions. Similarly, to combat the risk of flooding, Royal Decree 903/2010, of 9th July, on the evaluation and management of the risks of flooding, can be cited. This Decree regulates the procedures for conducting a preliminary evaluation of flood risk, hazard and risk maps, and management plans for flood risks throughout Spanish territory, including flooding in coastal zones and floods caused by the joint action of rivers and the sea in transition areas, and contains measures to combat coastal erosion.

There is cross-border cooperation with France and Portugal through International Boundary Commissions with each country. Both of these Commissions deal not only with coastal border issues but with all the issues and problems that might arise at any point along the border between the two countries.

Competences for managing the shores are shared by a variety of public administrations as a result of the political and administrative system. Most of the public duties in this area are reserved for the General State Administration (GSA) and the Autonomous Communities (AC), although a limited number of albeit important competences are attributed to local administrations.

The management and tutelage of the MTPD regarding its occupation and usage corresponds to the GSA as does the granting or refusal of authorisations in the areas of easement of passage and access to the sea. Although the State's rights to the MTPD have been recognised, the AC have assumed competences with regard to managing the shore. Despite the fact that the municipalities possess a smaller number of competences they do have one of the most important, the planning and management of land use (urban development), which is subject to control and regulation by the AC.

One novelty is that there is an ongoing process of transferral of the competence for the management of the public domain from the GSA to certain AC (Catalonia and Andalusia).

Land that is planned and managed both in the AC and local bodies coincides with the municipal land of provinces around which the Autonomous Communities are constituted and therefore includes, but does not extend beyond, the maritime-terrestrial zone. AC and municipal territory therefore ends at the hydrographic zero.

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#### **4. MARITIME SPATIAL PLANNING**

Maritime Spatial Planning (MSP), which enables the best use to be made of marine space, is developing into a work tool that is suitable for coordinating current sectoral focuses in coastal zone management. In this respect, Spain has just provide itself with this tool through the Act on Protection of Marine Environment (2010), which regulates the general principles and mechanisms for planning the marine environment and transfers into Spanish legislation Directive 2008/56/CE, which sets out an EU action framework for marine environment policy (framework Directive on marine strategy). This Act was just entered in force by the Law 41/2010, of 29 December on Protection of Marine Environment.

The Law's geographical scope of application, and therefore also that of MSP, is the internal waters, the territorial sea, the Atlantic exclusive economic zone, the fisheries protection zone in the Mediterranean, and the continental shelf, including the extended continental shelf that Spain obtains by applying the procedure envisaged in Art.76 of the United Nations Convention on the Law of the Sea. Given that the application of the framework water Directive in Spain already guarantees that the good health of coastal waters be achieved, in the case of coastal waters the Marine Environment Protection Bill will only be applied in aspects relating to the protection or planning of the marine environment which are not provided for in the river basin management plans regarding, for example, the protection of threatened marine species, the control of dumping from vessels and aircraft, and the declaration of marine protected areas.

Spanish MSP envisages the creation of marine demarcation areas as a Spanish spatial subdivision, as established in application of Art.4 of the framework Directive on marine strategy. These demarcation areas have been defined taking into account the marine regions and sub-regions established by MSP and dictated by the hydrological, oceanographic and biogeographic particularities of each Spanish marine zone in order to guarantee that each of these marine subdivisions is appropriately planned. For this, five marine demarcation areas are established and for each of these a marine strategy will be drawn up. Two marine demarcation areas in the Mediterranean region can be highlighted: The Straits and Alboran marine demarcation area and the Levantine-Balearic marine demarcation area.

One of the uses that these marine areas can be put to is the exploitation of wind power. The above-mentioned Strategic Environmental Study for the implementation of wind farms has produced a map of zoned areas divided in three zones: exclusion areas; apt areas with environmental factors and apt areas.

The marine strategies that are applied to these marine areas are the planning instruments for each and constitute the general framework with which the various sectoral policies and administrative actions that affect the marine environment according to what is set out in the corresponding sectoral legislation must comply.

The marine strategies will include an assessment of the environmental state of the waters, the determination of a good environmental state, the setting of environmental goals to be achieved, a programme of measures to achieve these goals and a monitoring programme.

The marine strategies, which will include the programme of measures, will have to be approved by the Government by Royal Decree on the basis of reports from the affected Ministries, reports from the affected Autonomous Communities, from the Environmental Assessment Council and from the Sectoral Environmental Conference, once the public information procedure has been complied with.

Public information and participation will be conducted in compliance with what is laid down in Law 27/2006 of 18th July, which regulates rights of access to information and of public participation and access to justice in environmental matters.

With regard to coordination and cooperation between the responsible institutions, the Inter-Ministerial Marine Strategies Committee will be created for coordinating the drafting, application and monitoring of the marine environment planning. It will comprise the ministerial Departments with competences for the marine environment. The Ministry of the Environment and Rural and Marine Affairs will hold the chair of the committee, and its make-up and functions will be determined by regulation.

A Marine Strategy Monitoring Committee will be constituted for each of the marine areas whose make-up and functions will be developed by regulation. They will comprise representatives from the State and Autonomous Community Administrations with competences in the execution of the corresponding strategy and will monitor the implementation of the marine strategies.

Spain is presently in the process of creating an instrument for marine spatial planning through the Act on Protection on Marine Environment (2010) which regulates the principles and general mechanisms for planning in the marine environment.

## 5. CONCLUSIONS

The current territorial structure of the Spanish State which derives from the 1978 Constitution moulds a system with a territorial structure and a linkage between central Power and autonomous powers. Political autonomy is granted to the Autonomous Communities for the management of their respective interests and a system is established for the distribution of competences, with the attribution of real, sole and tangible competences to the State and the Autonomous Communities by specific sector. The understanding and development of the way Spatial Planning is articulated in Spain today therefore has its legal basis in Art.148.1.3 of the Constitution which provides for these competences to be assumed by the Autonomous Communities. These then take on sole legislative, regulatory and executive authority for the development of Spatial Planning on the basis of the different Statutes of Autonomy.

The first peculiarity relates to the distribution of competences for the management of the coast between different Public Administrations that results from the Spanish political and administrative system. The Constitution confers the majority of public duties for this issue upon the General State Administration and the Autonomous Communities while leaving a limited yet very important sphere of competences to local administrations.

The most significant legal and administrative singularity of the Spanish coastal zone is the existence of the concept of Public Domain, where the 1988 *Coastal Law* is the fundamental law for the tutelage of the maritime-terrestrial public domain.

Despite the importance of the Coastal Law in shaping coastal-maritime management policy, this Law does not provide sufficient mechanisms for developing authentic ICZM and, in spite of there being abundant sectoral legislation in existence for the coast, there is still no specific legislation for the integrated management of coastal zones in Spain.

The immediate consequence as far as the Protocol on ICZM is concerned is that at this moment in time there is still no definition of the coastal zone in existence in Spain for the purpose of duties or the development of specific plans for the zone.

One of the main problems that derives from the complex distribution of competences for coastal issues between the various public administrations that results from the Spanish political and administrative system is the obstacle that this represents to proper administrative coordination.

The wide range of instruments and the high number of mandatory and sectoral regulatory instruments must be highlighted. There are some interesting specific instruments on the Autonomous Community scale but they have little application. On the State scale there is no instrument of a strategic or operational nature specifically designed for the coast.

Of greater interest is the Spanish National Report submitted to the European Commission by virtue of Recommendation 2002/413/CE on the application of Integrated Coastal Zone Management in Europe for the purpose of implementing the Protocol. The 2007 Coastal Sustainability Strategy driven by the General State Administration should also be highlighted.

In this need to manage and lay down guidelines that can be followed for the protection of the waterfront, the Directorate General of Coasts has prepared two directive or instruction documents; the Instruction for actions on beaches and the Instruction for dealing with the coastal edge, which facilitate decision making for actions taken in the future management of the Spanish coastal strip.

Furthermore, due to the great dependence on the beaches, well known and highly valued by all, the problem does not only arise on the side of the sea, but on most occasions manifests itself in the excessive occupation of the adjacent coastal strip. The consequent appearance of socio-economic and environmental problems has meant that it is essential for the coastal zone to be dealt with in an integrated way, under the protective umbrella of the 1988 Coastal Law, but this is not sufficient for real and modern coastal management to be achieved. This last goal is what the application of the ICZM in the Mediterranean seeks to accomplish.

From a technical perspective, given the imprecise nature of the definition and delimitation of coastal space, it would be advisable for a common vocabulary to be established, on the Mediterranean level, at least. We are fully aware of the difficulties that this proposal entails, but it would be of great help if the technical documents were to use terminology that was agreed upon.

The numerous public policies that affect the coast reveal a wide divergence of interests and standpoints (some champion economic growth, whereas others defend sustainable development). This adds to other important political, institutional, and social problems, such as the various levels of administration ("vertical" complexity) and the sectoral aspect of legislative and executive actions ("horizontal" complexity), the emergence of new environmental and social demands that require new channels for expression and public participation, and the lack of adequate technical and financial management instruments. What is required to improve a spatial Planning system, therefore, is a new political approach, in which the subject of integration is a key aspect for effective and rational territorial intervention to be achieved. This political and administrative integration must also be accompanied by the integration of public and private interests as well as of the political decisions of public authorities and the demands of civil society.

## Key points on coastal and marine planning in Spain

- **Territorial Planning** and **urban development** are the responsibility of the Regional Governments.
- A national Land Law does exist.
- **Coastal Planning** is an exclusive responsibility of the Autonomous Communities.
- There is no legal delimitation of the coastal zone. Coastal Law only defines the **maritime-terrestrial public domain**.
- **Urban Development** and **territorial planning plans** may cover the coastal area but this does not include the maritime area beyond hydrographic zero.
- There are no spatial plans that cover the coastal zone (land-sea interface) in its entirety.
- Maritime space (internal waters, the territorial sea, EEZ, etc.) can be planned for under new Law 49/2010 (Directive 2008/56/EC).
- As specific planning instruments for the littoral (land-sea interface) do not exist either on the State or the Autonomous Community levels, there has been no widespread practice of this.
- Despite several strategies being in existence for the management of marine space and notice given of a range of measures included in these, on the practical level they have not had the desired effect.

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## 7. ANNEXES

### Annex I. Geographical data

Table 1. General data

	Surface (sq. km)	Population (inhabitants)
<b>Spain</b>	<b>505 990</b>	<b>4 6745 807</b>
<b>Mediterranean coastal municipalities</b>	<b>35 415</b>	<b>9 908 816 (21.19%)</b>

Source: INE, 2009.

Table 2. Mediterranean Autonomous Communities. Geographical data (I).

Autonomous Communities	Surface (sq. km)	%*
<b>Catalonia</b>	<b>32 186</b>	<b>20.18 %</b>
<b>Community of Valencia</b>	<b>23 240</b>	<b>14.57 %</b>
<b>Region of Murcia</b>	<b>11 369</b>	<b>7.12 %</b>
<b>Balearic Islands</b>	<b>5 038</b>	<b>3.15 %</b>
<b>Andalusia</b>	<b>87 628</b>	<b>54.95 %</b>
<b>Total Mediterranean</b>	<b>159 461</b>	<b>100</b>

\*Percentage/ total Mediterranean Autonomous Communities surface.  
Source: INE, 2009.

Table 3. Mediterranean Autonomous Communities. Geographical data (II).

Autonomous Communities	Province	Municipalities (nº)	Population	Coast length (km)	P/CL* (hab/km)
<b>Andalusia</b>	<b>Almería</b>	<b>13</b>	<b>481 473</b>	<b>605</b>	<b>3 148</b>
	<b>Granada</b>	<b>9</b>	<b>115 140</b>		
	<b>Málaga</b>	<b>14</b>	<b>1 214 673</b>		
	<b>Cádiz*</b>	<b>2</b>	<b>93 844</b>		
<b>Total Andalusia</b>	<b>4</b>	<b>37</b>	<b>1 905 130</b>		
<b>Autonomous Cities of Ceuta</b>	-	<b>1</b>	<b>78 674</b>	<b>27</b>	<b>2 913</b>
<b>Autonomous Cities of Melilla</b>	-	<b>1</b>	<b>73 460</b>	<b>12</b>	<b>6 121</b>
<b>Region of Murcia</b>	<b>Murcia</b>	<b>8</b>	<b>462 182</b>	<b>264</b>	<b>1 750</b>
<b>Catalonia</b>	<b>Gerona</b>	<b>23</b>	<b>249 852</b>	<b>617</b>	<b>5 242</b>
	<b>Barcelona</b>	<b>27</b>	<b>2 569 454</b>		
	<b>Tarragona</b>	<b>21</b>	<b>415 431</b>		
<b>Total Catalonia</b>	<b>3</b>	<b>71</b>	<b>3 234 737</b>		
<b>Community of Valencia</b>	<b>Castellón</b>	<b>16</b>	<b>378 074</b>	<b>499</b>	<b>5 591</b>
	<b>Valencia</b>	<b>24</b>	<b>1 264 530</b>		

	<b>Alicante</b>	<b>19</b>	<b>1 147 485</b>		
<b>Total Community of Valencia</b>	<b>3</b>	<b>59</b>	<b>2 790 089</b>		
<b>Balearic Islands</b>	<b>Islas Baleares</b>	<b>38</b>	<b>969 279</b>	<b>1116</b>	<b>868</b>

\*Only Mediterranean coastal municipalities.

\*P/LC: Relationship between population and coast length.

Source: Author based on INE, 2009.

Table 4. Maritime jurisdictions

			<b>Percentage (%)</b>	
<b>Spanish jurisdictional waters (sq. km)</b>		<b>1 120 351</b>	<b>100</b>	
<b>Distribution of jurisdictional waters (sq. km)</b>	<b>Atlantic Ocean</b>	<b>857 219</b>	<b>76.51</b>	
	<b>Mediterranean Sea</b>	<b>263 123</b>	<b>23.49</b>	
			<b>% Total Mediterranean</b>	<b>% Total national</b>
<b>Mediterranean jurisdictional waters (sq.km)</b>	<b>Internal Waters</b>	<b>7 681</b>	<b>2.99</b>	<b>52.32</b>
	<b>Territorial Sea</b>	<b>47 914</b>	<b>18.66</b>	<b>41.11</b>
	<b>Contiguous Zone</b>	<b>44 249</b>	<b>17.23</b>	<b>37.49</b>
	<b>Fisheries Protection Zone</b>	<b>190 582</b>	<b>74.24</b>	<b>100</b>
<b>Maritime borders in the Mediterranean</b>		<b>France, Italy, Algeria, Morocco</b>		

Source: Author.

Annex II. Autonomous Communities in the Mediterranean. Spatial planning legislation and instruments.

Table 5. Autonomous Communities in the Mediterranean. Spatial planning legislation and instruments.

AUTONOMOUS COMMUNITY	LEGISLATION	PLANNING INSTRUMENTS
Catalonia	<p>Law 23/1983, of 21st November, on Territorial Policy 21/11/1983 <i>DOGCI</i> (official regional gazette) 30/11/1983.</p> <p>Law 31/2002, of 30th on administrative and tax measures</p> <p>Law 8/2005, of 8<sup>th</sup> June, on landscape protection, planning and management.</p> <p>Decree 343/2006 of 19th September, to regulate Law 8/2005.</p>	<p>- Regional Spatial Management plans:</p> <ul style="list-style-type: none"> <li>• General Spatial Plan of Catalonia</li> <li>• Coastal System Urban Development Master Plan (<i>PDUSC</i>).</li> </ul> <p>- Sub-regional spatial management plans:</p> <ul style="list-style-type: none"> <li>• Ebro Delta Master Plan; Coastal System Urban Development Master Plan for Areas Integrated by Sector Land suitable for Urban Development delimited without the prior approval of the partial plan (<i>PDUSC-2</i>).</li> <li>• 'Tierras del Ebro' Partial Spatial Plans.</li> <li>• 'L'Empordà' Spatial Master Plan.</li> <li>• 'Pla de Bages' urban development Master Plan.</li> <li>• 'Colonies del Llobregat' uMP.</li> <li>• Barcelona Metropolitan Region Partial Spatial Plan.</li> </ul> <p>- Sectoral Spatial Plans:</p> <ul style="list-style-type: none"> <li>• Catalonia Roads Plan.</li> <li>• Natural Areas Plan.</li> <li>• Catalonia Ports and Harbours Plan.</li> <li>• Catalonia wind-energy implementation SSP.</li> <li>• Catalonia Passenger Transport Plan.</li> <li>• Catalonia Airports Plan.</li> <li>• 2003-2025 Rail Infrastructure Plan.</li> <li>• 2006-2026 Catalonia Transport</li> </ul>

		<p><b>Infrastructure Plan (<i>PITC</i>).</b></p> <p>- Sub-regional Sectoral Spatial Plans:</p> <ul style="list-style-type: none"> <li>• 2001-2010 Public Transport Infrastructure Master Plan <i>PDI</i> (for Barcelona Metropolitan Region).</li> <li>• 'Campo de Tarragona' Industrial and Tourist Activities Urban Development Master Plan.</li> <li>• Transversal Railway uMP.</li> </ul>
		<p>- Landscape catalogues.</p> <p>- Landscape directives.</p>
Community of Valencia	<p>Law 4/2004, of 30th June, on Spatial Planning and Landscape Protection (<i>Generalitat</i>).</p> <p>Decree 67/2006, of 12th May, to approve the Regulation of Spatial and Urban Development Management (<i>Consell</i>).</p>	<p>- Regional SM Plans:</p> <ul style="list-style-type: none"> <li>• Spatial Action Plan for the Community of Valencia Coast.</li> <li>• Spatial Management Plan.</li> </ul> <p>- Sub-regional spatial management plans:</p> <ul style="list-style-type: none"> <li>• Greater Alicante and Elche Metropolitan Area Spatial Action Plan (<i>PATEMAE</i>).</li> <li>• 'Vega Baja' Spatial Action Plan.</li> <li>• Greater Castellón Area Spatial Action Plan (<i>PATECAS</i>).</li> </ul> <p>- Sectoral Spatial Plans:</p> <ul style="list-style-type: none"> <li>• Community of Valencia Highways Plan II.</li> <li>• Community of Valencia Integral Waste Plan.</li> <li>• Community of Valencia Wind Plan (Spatial Action Plan).</li> <li>• Sectoral Spatial Action Plan on Risk Prevention of Flooding in the Community of Valencia (<i>PATRICOVA</i>).</li> <li>• Community of Valencia Master Plan for Sanitation and Water Treatment II.</li> <li>• Sectoral Spatial Action Plan for Infrastructure Corridors.</li> </ul>
Region of Murcia	Legislative Decree 1/2005, of 10th June, to approve the revised text	<p>- Regional SM Plans and directives:</p> <ul style="list-style-type: none"> <li>• Region of Murcia Coastal</li> </ul>

	<p>of the Region of Murcia Land Law.</p>	<p>Directives and Spatial Management Plan.</p> <ul style="list-style-type: none"> <li>- Sub-regional spatial management plans: <ul style="list-style-type: none"> <li>• ‘Bahía de Portmán’ and ‘Sierra Minera’ directives and management.</li> </ul> </li> <li>- Sectoral Spatial Plans: <ul style="list-style-type: none"> <li>• Region of Murcia Industrial Land Directives and Spatial Management Plan.</li> </ul> </li> <li>- Sub-regional Sectoral Spatial Plans: <ul style="list-style-type: none"> <li>• ‘Marina de Cope’ Action of Regional Interest.</li> </ul> </li> </ul>
<p>Balearic Islands</p>	<p>Law 14/2000, of 21st December, on Spatial Management.</p> <p>Law 11/2005 on specific measures and tax measures regarding Spatial Management, urban development and tourism for the Islands of Ibiza and Formentera.</p>	<ul style="list-style-type: none"> <li>- Regional SM Plans and directives: <ul style="list-style-type: none"> <li>• Balearic Islands Spatial Management Directives and Tax Measures.</li> </ul> </li> <li>- Island spatial management plans: <ul style="list-style-type: none"> <li>• Minorca Island Spatial Plan.</li> <li>• Majorca Island Spatial Plan.</li> <li>• Ibiza and Formentera Island Spatial Plan.</li> </ul> </li> <li>- Sectoral Spatial Plans: <ul style="list-style-type: none"> <li>• Balearic Islands Energy Sector Master Plan.</li> <li>• Balearic Islands Transport Sector Master Plan.</li> </ul> </li> <li>- Sub-regional Sectoral Plans: <ul style="list-style-type: none"> <li>• Minorca Waste Management Sector Master Plan.</li> <li>• Majorca Tourism Supply Management Plan (<i>POOT</i>).</li> <li>• Tourism Supply Management Plan for the islands of Ibiza and Formentera (<i>POOT</i>).</li> <li>• Majorca Urban Waste Management Sectoral Master Plan.</li> <li>• Ibiza and Formentera Urban Waste Management Sectoral</li> </ul> </li> </ul>

		Plan.
Andalusia	Law 1/1994, of 11th January, on Spatial Planning in the Autonomous Community of Andalusia	<p>- Regional SM Plans and directives:</p> <ul style="list-style-type: none"> <li>• Andalusian Land Management Plan (POTA).</li> <li>• Bases and strategies of the Andalusian Land Management Plan.</li> <li>• Regional Directives for the Andalusian Shore.</li> </ul> <p>- Sub-regional spatial management plans:</p> <ul style="list-style-type: none"> <li>• Eastern Almeria Spatial Plan.</li> <li>• Western Almeria Spatial Plan.</li> <li>• Granada Coast Spatial Plan.</li> <li>• Malaga Urban Agglomeration Spatial Plan.</li> <li>• Eastern Malaga-Axarquia Coast Spatial Plan.</li> <li>• Western Costa del Sol Spatial Plan.</li> <li>• 'Campo de Gibraltar' Spatial Plan (Cadiz province).</li> </ul> <p>- Sectoral Spatial Plans:</p> <ul style="list-style-type: none"> <li>• Andalusian Hazardous Waste Prevention. and Management Plan.</li> <li>• Andalusian Infrastructure Master Plan .</li> <li>• Andalusian Energy Plan.</li> <li>• Andalusian Tourism General Plan.</li> <li>• Plan for the Prevention of Avenues and Flooding in Andalusian Urban Water Basins.</li> </ul>

Source: Ministry of the Environment, 2008.

Annex III. Instruments of the General Administration affecting coastal areas planning.

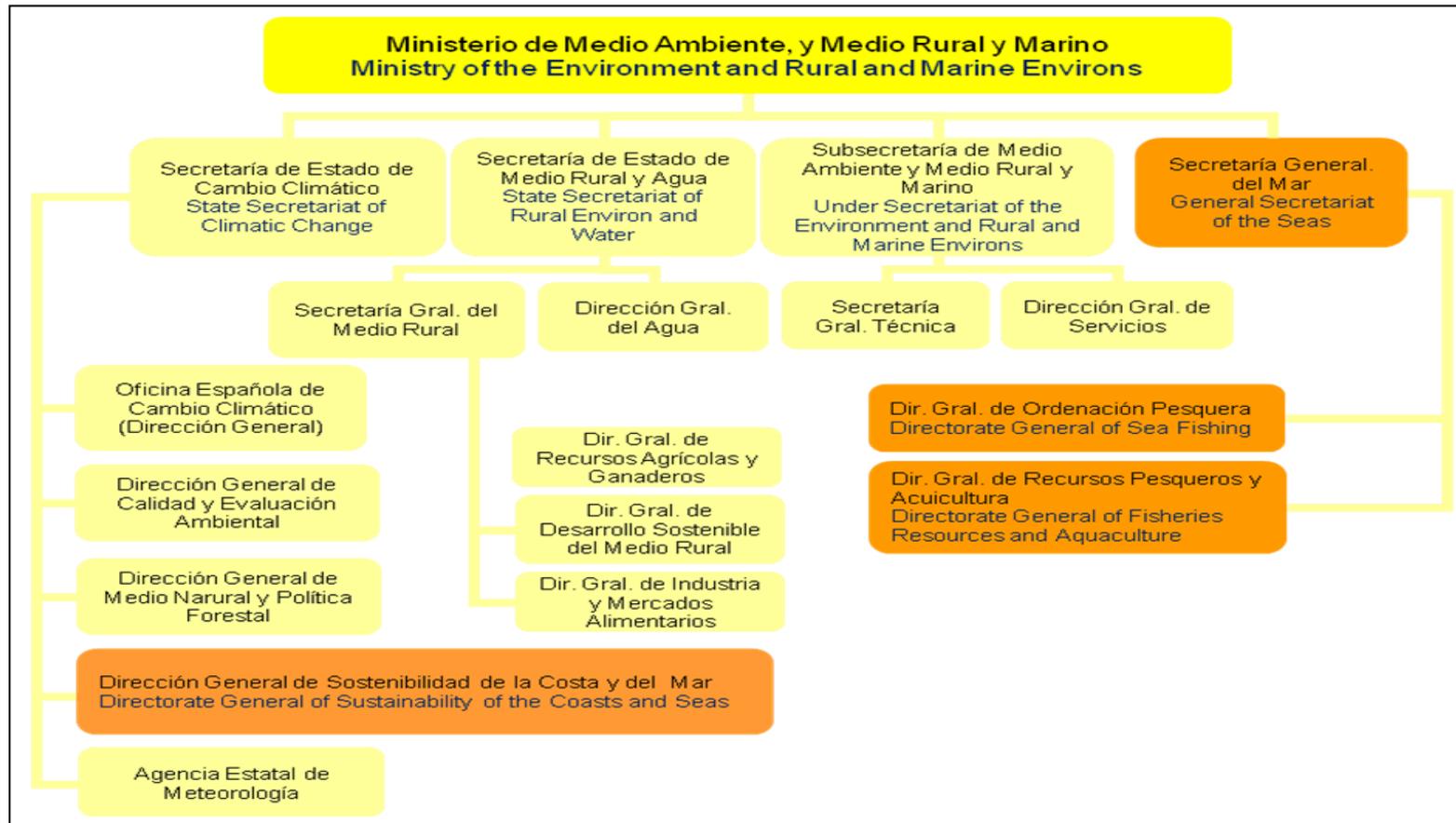
Table 6. Instruments of the General Administration of the Central Government affecting coastal area planning and management in Spain

<b>RESOURCE OR ACTIVITY</b>	<b>STRATEGIC PLANNING INSTRUMENTS</b>	<b>PLANNING AND MANAGEMENT OPERATIVE INSTRUMENTS</b>
<b>Public Domain</b>	<ul style="list-style-type: none"> <li>• National Coast Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Public Domain boundaries</li> </ul>
<b>Sea fishing resources</b>	<ul style="list-style-type: none"> <li>• Fishing Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Fishing Protection Area: marine reserves, marine conditioning areas, and marine repopulations areas, Fishing licences, fishing boats Register, specific registers, Distribution, Transferability, Expiry, Fishing Diary, declaration of landing, transfer Declaration, Inspection.</li> </ul>
<b>Central Government sea and port activities and installations</b>	<ul style="list-style-type: none"> <li>• Central Government Strategic Plan</li> <li>• Ports and Port Authorities</li> <li>• National Sea Rescue Plan and Fight against Pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Works plan</li> <li>• Port space use plan</li> <li>• Special Spatial Planning for port spaces</li> <li>• Assignments, Authorisations, Concessions, Penalties, Police regulation</li> <li>• Environmental Management System</li> </ul>
<b>Hydraulic Public Domain</b>	<ul style="list-style-type: none"> <li>• AGUA Programe</li> <li>• National Hydrologic Plan</li> <li>• River basin Action Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Boundaries fo the Hydraulic Public Domain</li> <li>• Authorisation, Concession, Penalties</li> <li>• Water Registry</li> </ul>
<b>Natural protected spaces, wild flora and fauna</b>	<ul style="list-style-type: none"> <li>• Spanish Strategic Plan for the Conservation and Rational Use of Wetlands (Ramsar)</li> <li>• National Forestry Strategy</li> <li>• Director Plan of the National Parks Network</li> </ul>	<ul style="list-style-type: none"> <li>• National Park Network</li> <li>• Natural reserves, Natural Monuments and Protected Spaces</li> <li>• PORN an PRUG</li> <li>• List and catalogues of ecosystems, fauna and flora species</li> <li>• Areas of Community Interest</li> <li>• Special Bird Protections Area</li> <li>• Natura 2000 Network</li> </ul>

Source: United Nations Mediterranean Action Plan, 2005.

Annex IV. Institutional bodies.

Figure 1. Flow chart of coastal and marine administration.

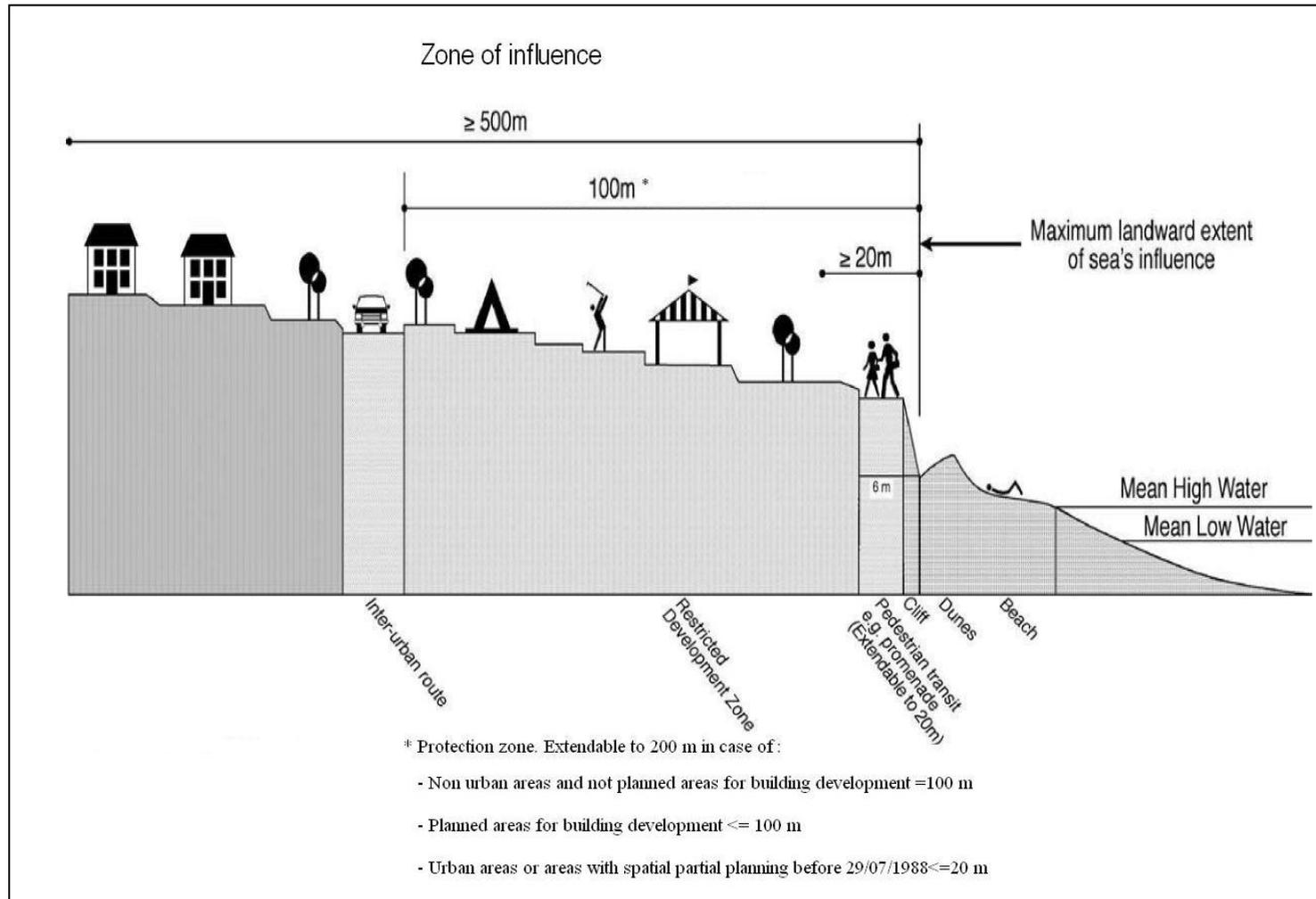


Administrative bodies concerned with coasts and seas matters.

Source: Author.

Annex V. Coastal zoning

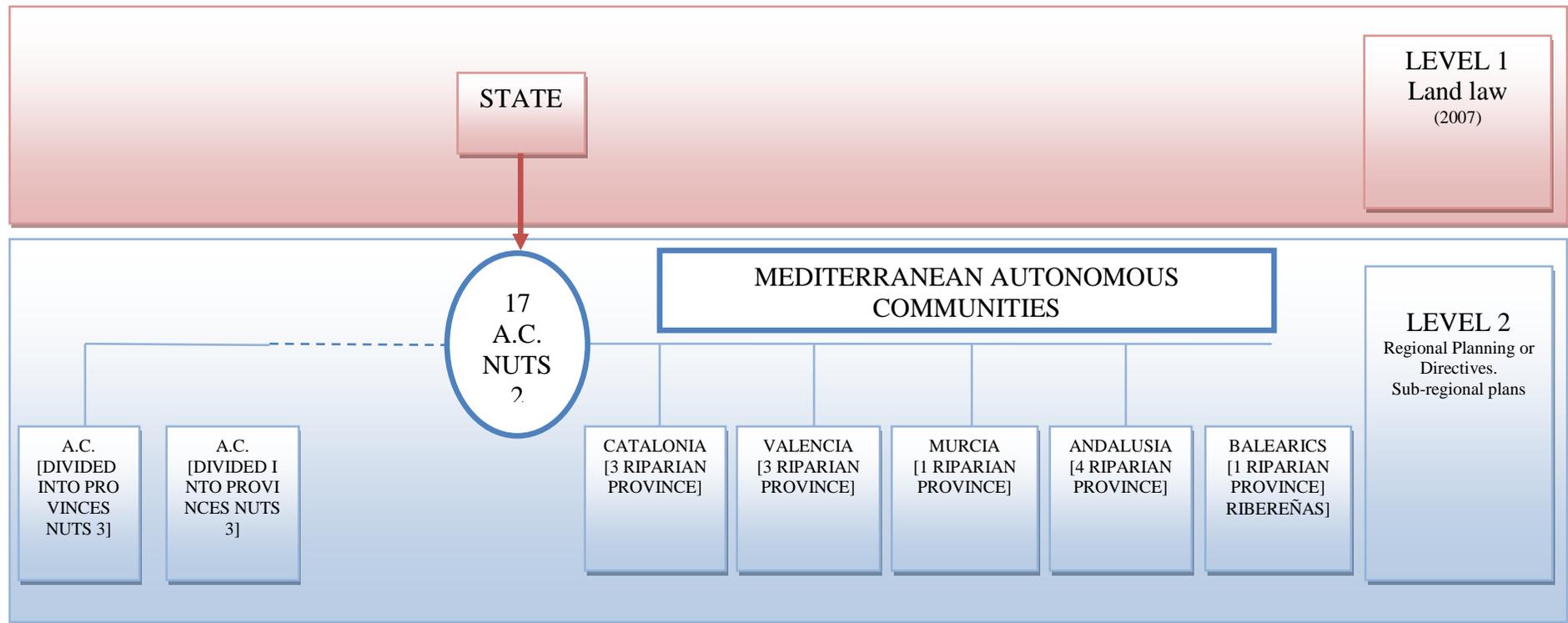
Figure 2. Public Domain



Source: Malvárez García, G. and Pollard J., 2003, adapted by author.

Annex VI. Administrative and political levels.

Figure 3. Flowchart of State's political and territorial organization.



Source: Author.

ANNEX VII. Content of Spatial Planning Instruments.

Box 1. Urban Planning

<b>Town Planning (Local Scale)</b>
<b>General Urban Development Plans (Contents)</b>
<ul style="list-style-type: none"><li>✓ Land classification and categories.</li><li>✓ General Systems and Local Systems comprising Parks and Gardens, Infrastructure and Services, and other Public funded services.</li><li>✓ Uses, densities and building potential: overall for areas and specific for lots.</li><li>✓ Areas reserved for protected housing.</li><li>✓ Areas and features of interest due to their historical, architectural, cultural, natural and landscape values.</li></ul>

Source: Author.

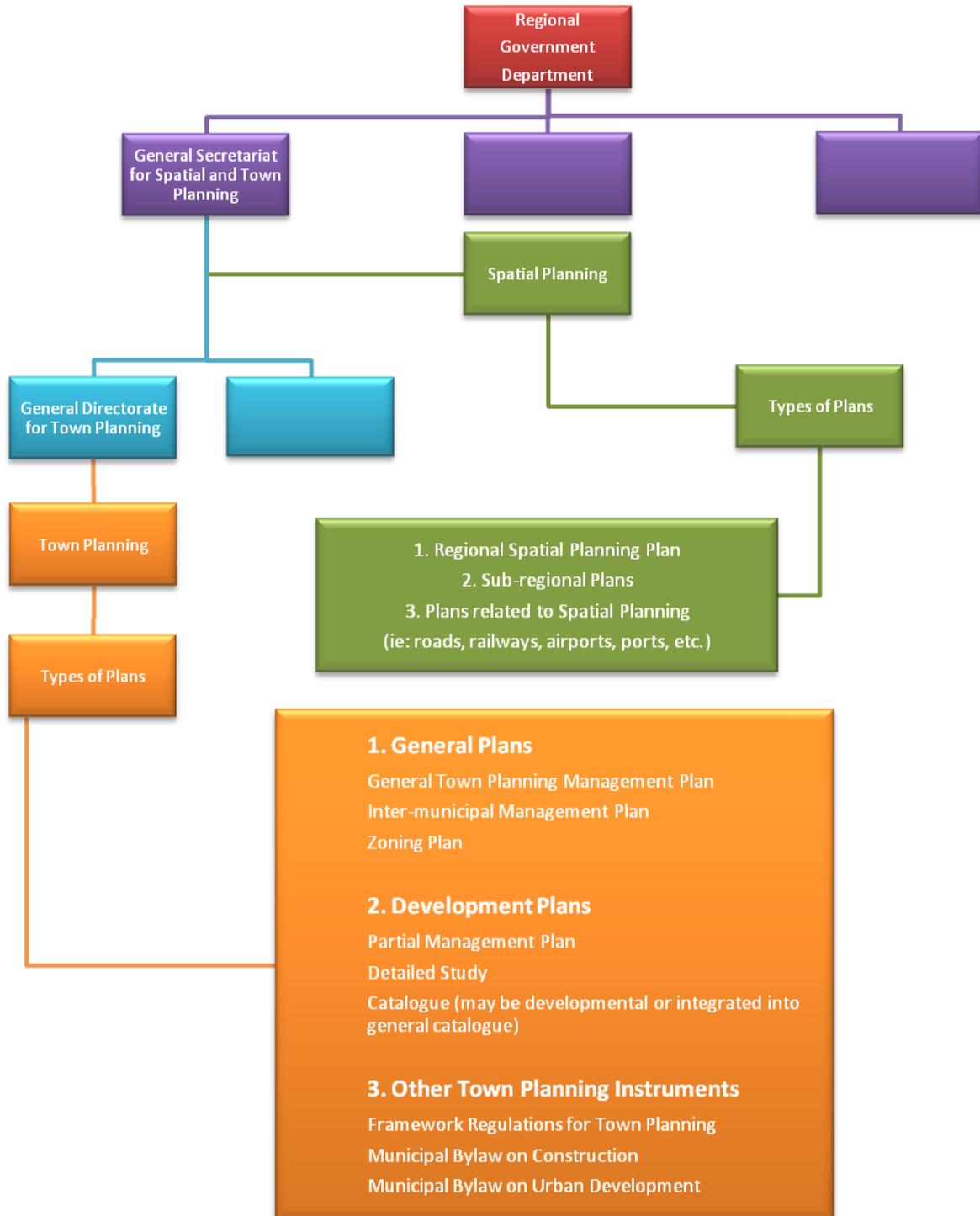
Box 2. Regional Planning

<b>Subregional Plans (Contents)</b>
<ul style="list-style-type: none"><li>✓ Objectives and proposals</li><li>✓ Outline of basic infrastructure and facility distribution</li><li>✓ Management areas: setting out of criteria and measures that have to be developed by the various Public Administration organisations</li><li>✓ Adaptation of the resolutions in the Plans that Affect Spatial Planning and the Town Planning Plans that are in force in the area (justifying any alterations proposed to same)</li><li>✓ Implementation of said resolutions in the plan</li><li>✓ Forecasts for the development, monitoring and execution of the plan</li><li>✓ Aspects that the Governing Council takes into consideration for the goals of the plan to be fulfilled</li></ul>

Source: Author.

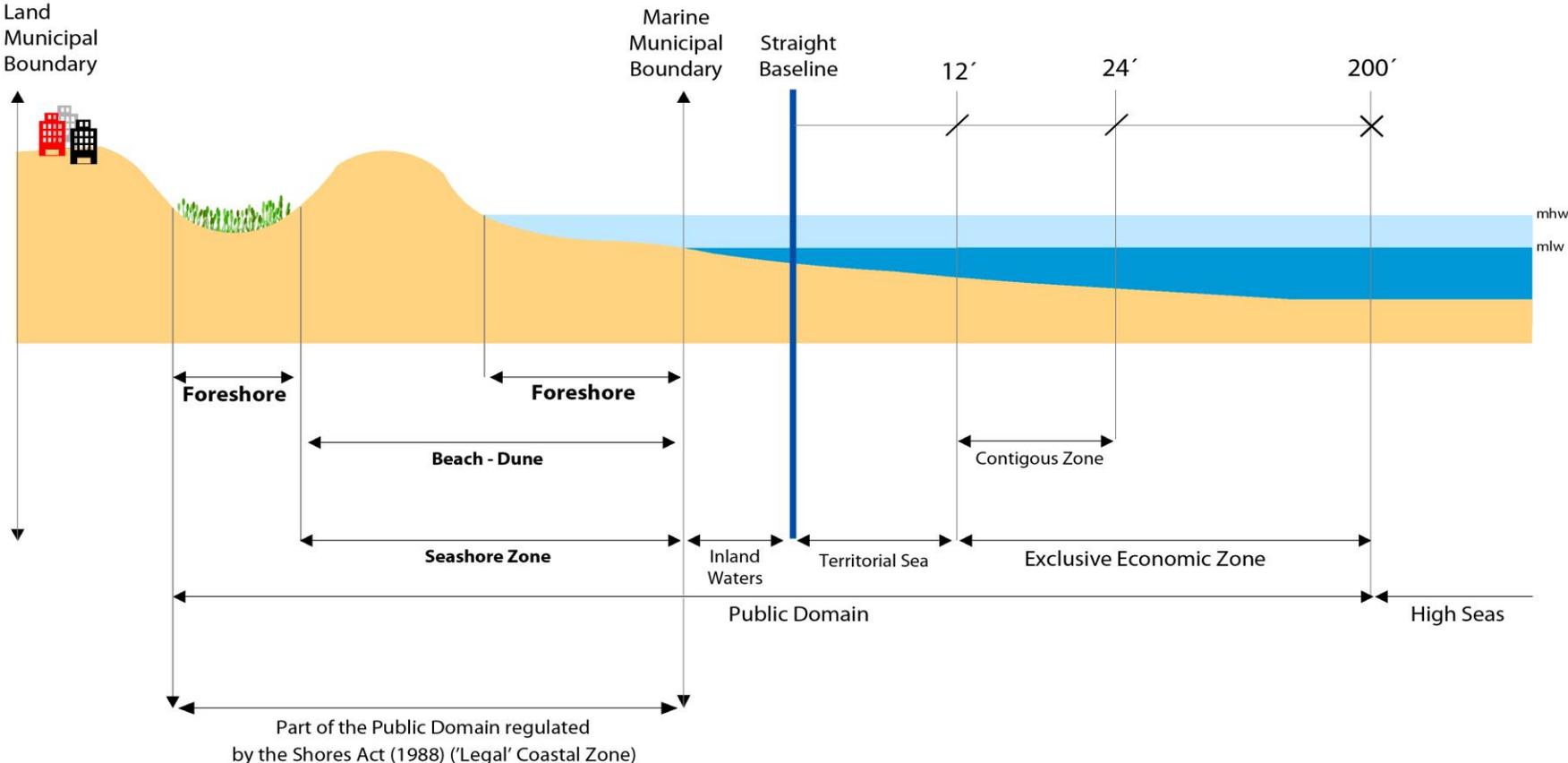
Annex VIII. Institutional Structure of Territorial and Urban Planning. Regional Government.

Figure 4. Institutional Structure of Territorial and Urban Planning. Regional Government.



Annex IX. Coastal zone.

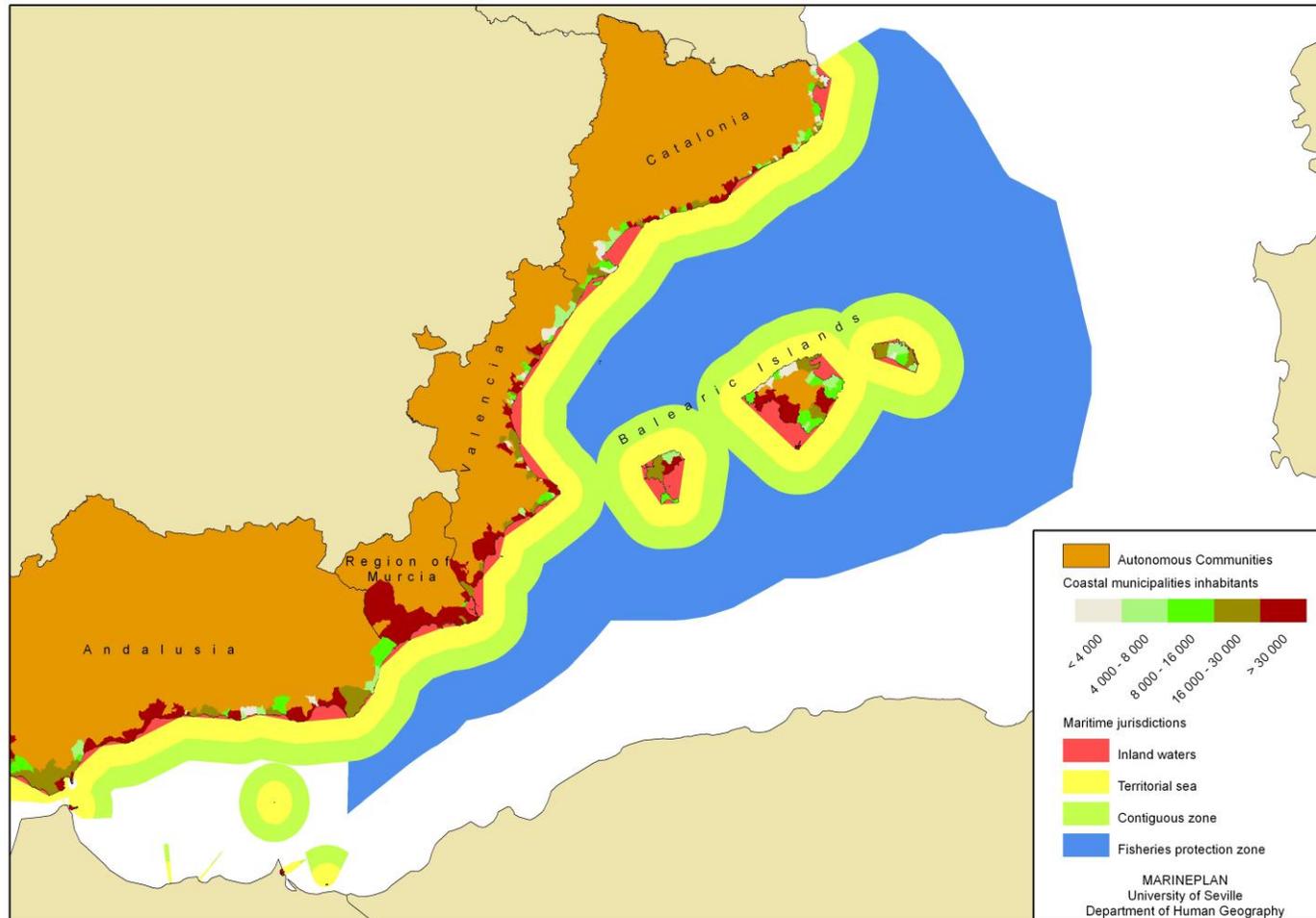
Figure 5. Delimitation of Marine Public Domain



Source: Author.

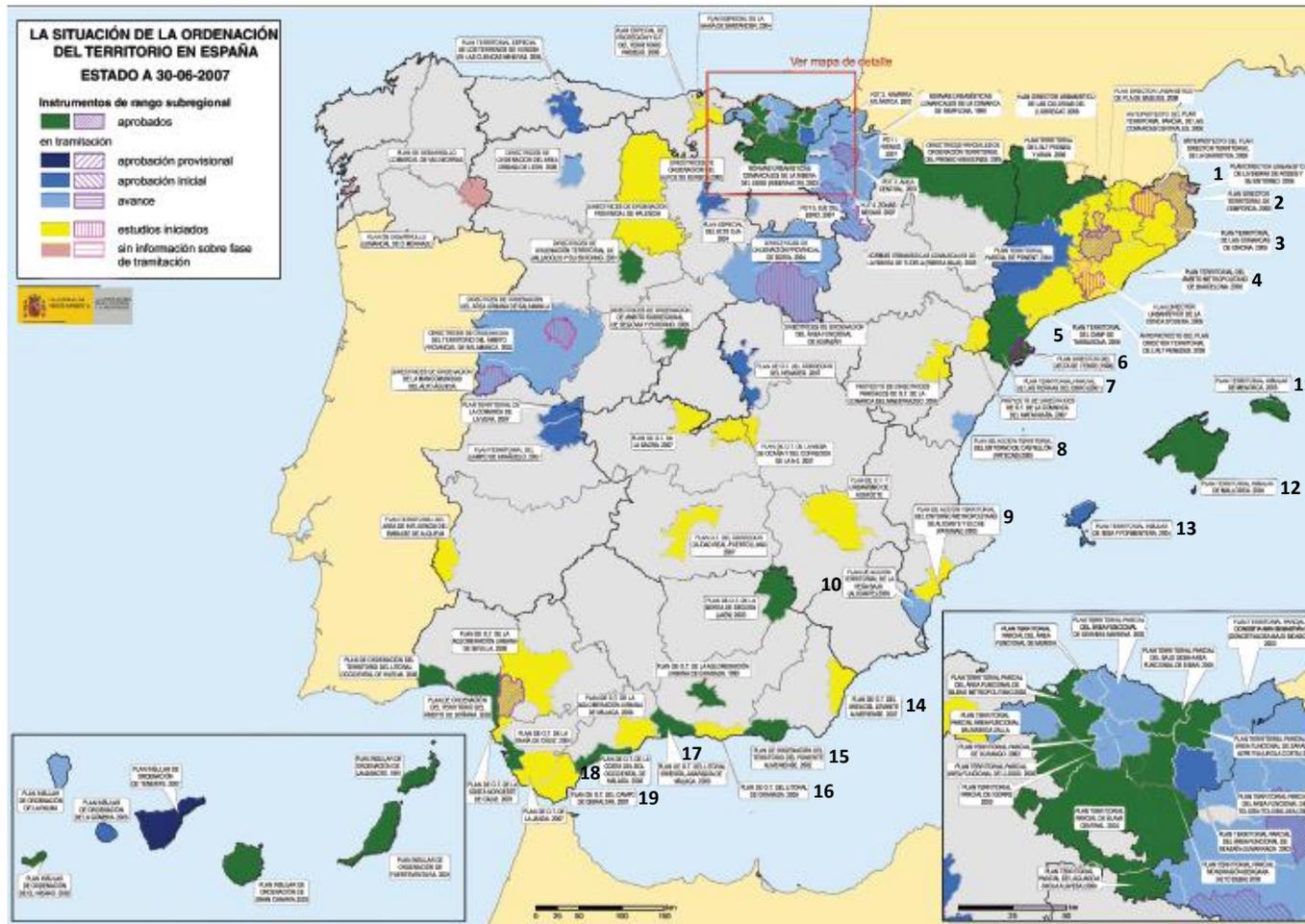
Annex X. Cartography

Map. 1. Maritime space and coastal population



Source: Author based on INE, 2009.

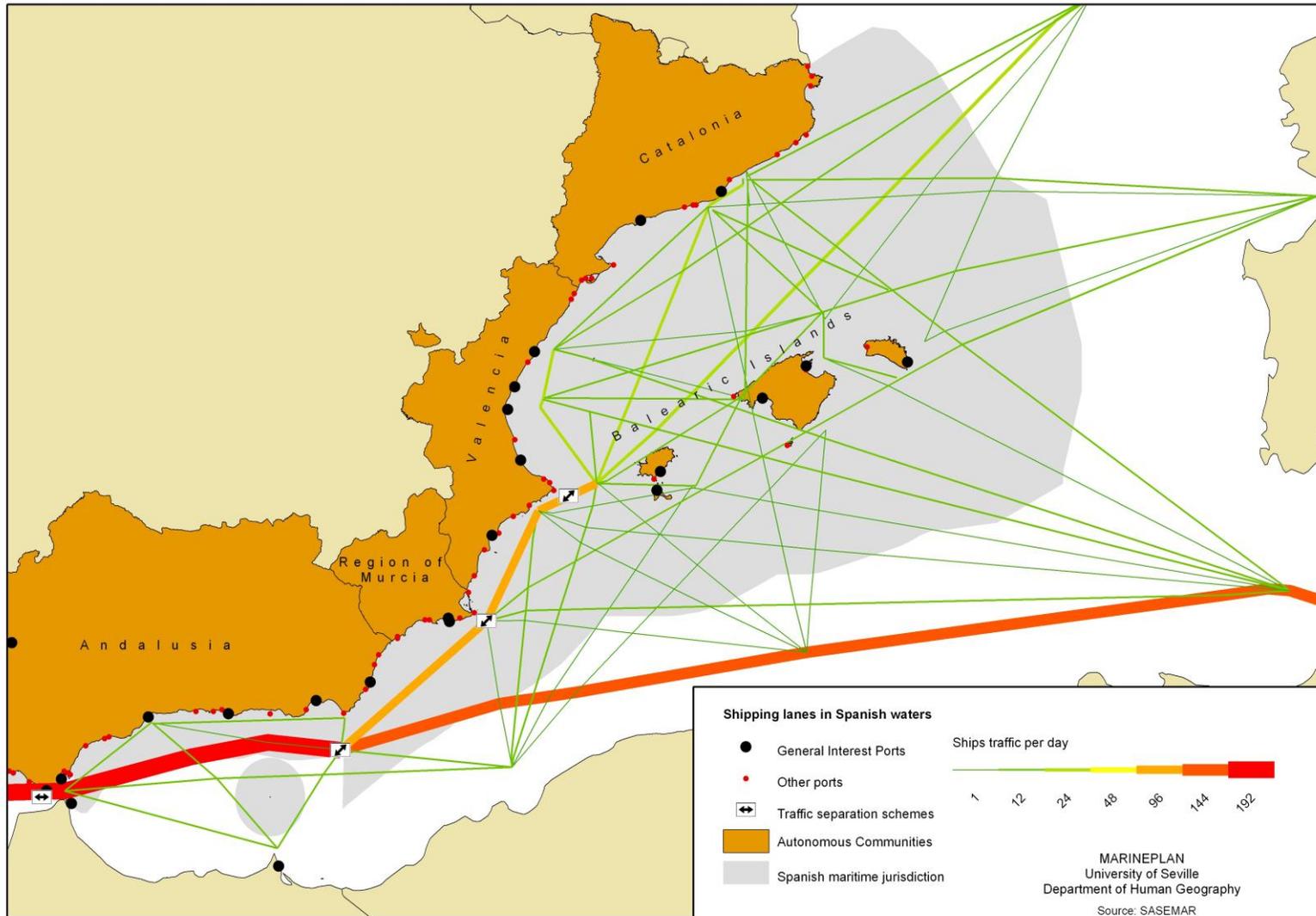
Map 2. Spatial planning instruments



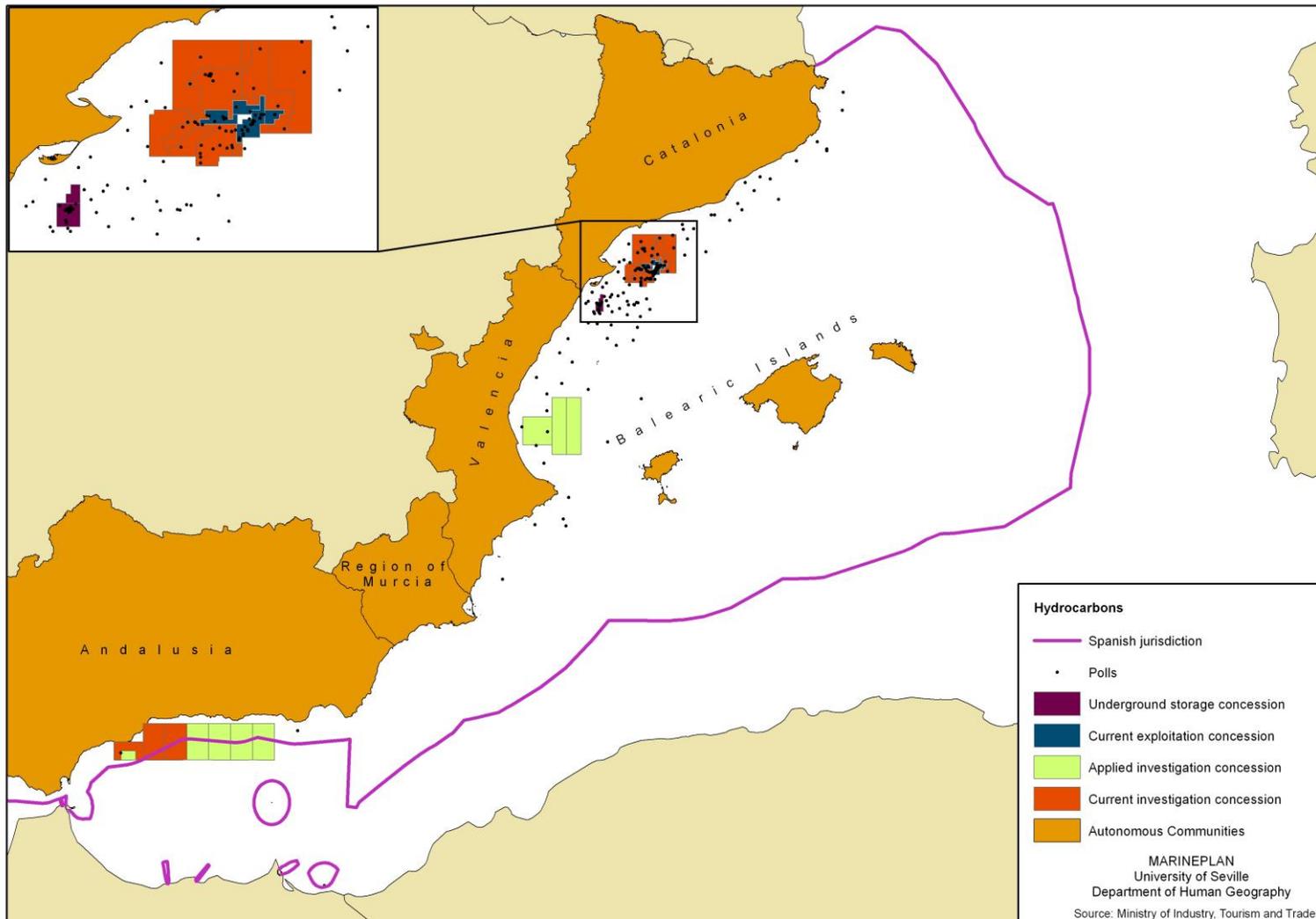
1. Sierra de Rodes Master Plan.
2. L'Empordà' Spatial Master Plan.
3. Plan territorial de las Comarcas de Girona.
4. Barcelona Metropolitan Region Partial Spatial Plan.
5. 'Campo de Tarragona' Industrial and Tourist Activities Urban Development Master Plan.
6. Ebro Delta Master Plan
7. 'Tierras del Ebro' Partial Spatial Plans.
8. Greater Castellón Area Spatial Action Plan (*PATECAS*).
9. Greater Alicante and Elche Metropolitan Area Spatial Action Plan (*PATEMAE*).
10. 'Vega Baja' Spatial Action Plan.
11. Minorca Island Spatial Plan.
12. Majorca Island Spatial Plan.
13. Ibiza and Formentera Island Spatial Plan.
14. Eastern Almeria Spatial Plan.
15. Western Almeria Spatial Plan.
16. Granada Coast Spatial Plan.
17. Eastern Malaga-Axarquía Coast Spatial Plan.
18. Western Costa del Sol Spatial Plan.
19. 'Campo de Gibraltar' Spatial Plan (Cadiz province).

Source: Ministerio de Medio Ambiente, 2007.

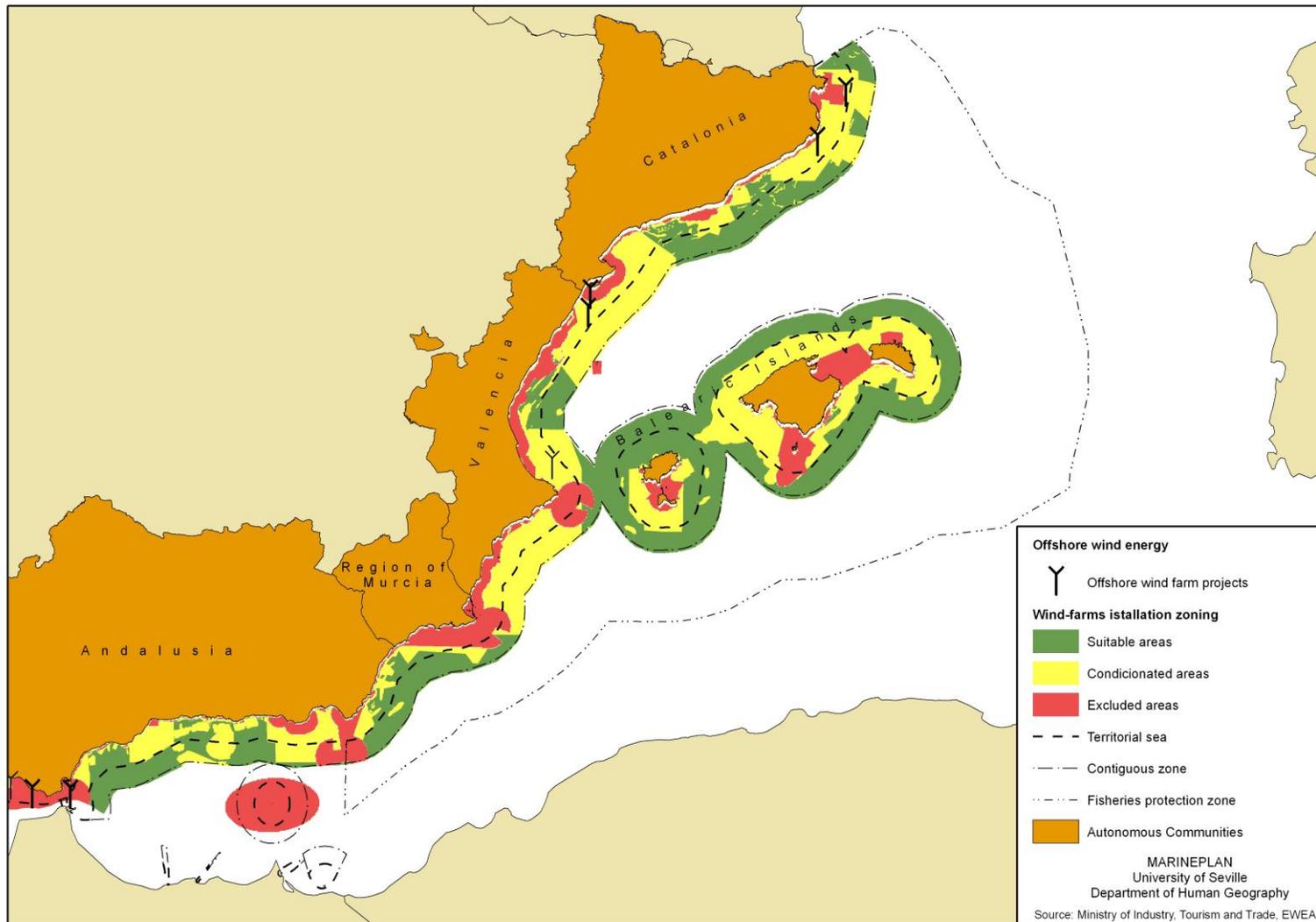
Map 3. Traffic lanes



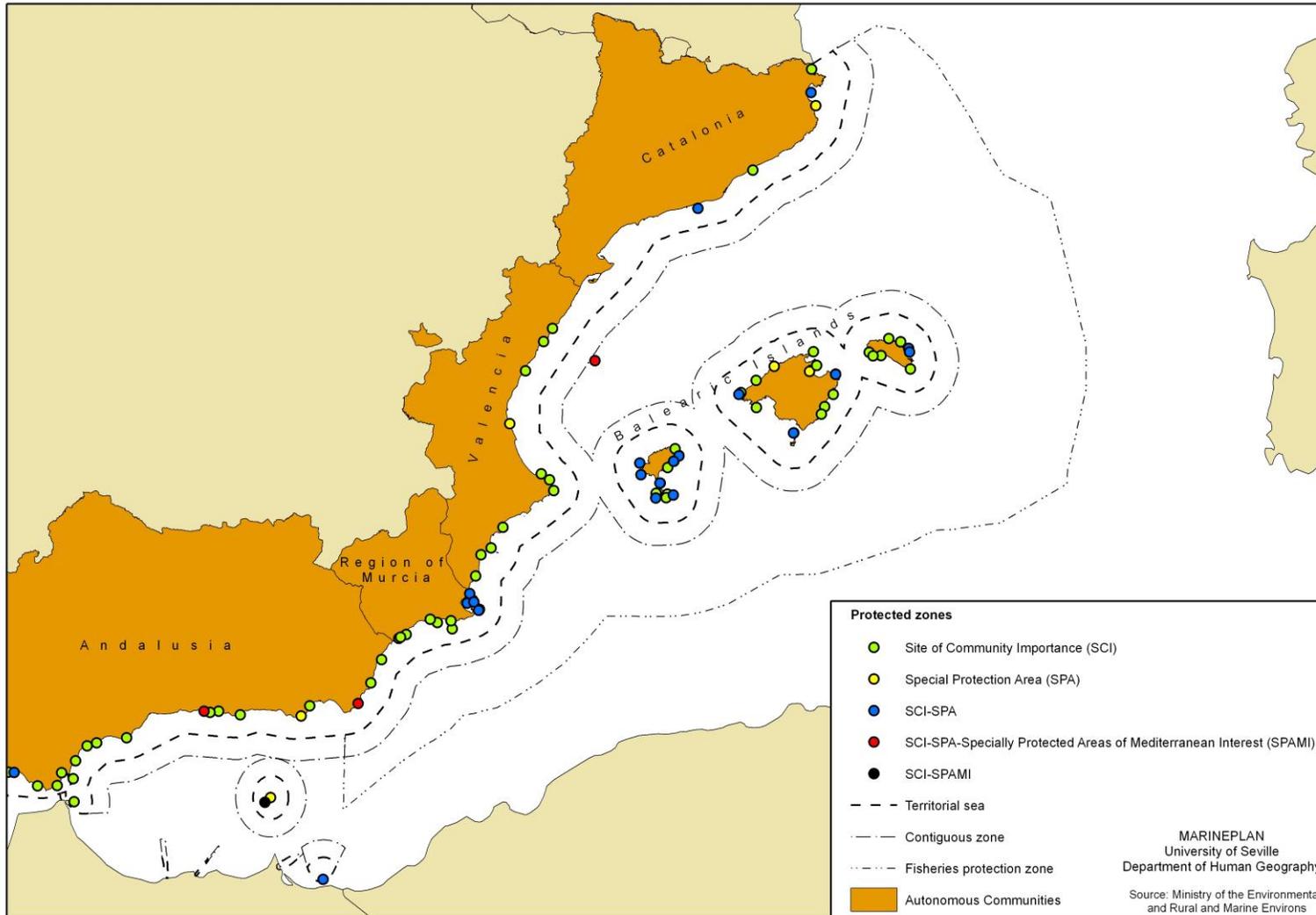
Map 4. Hydrocarbons



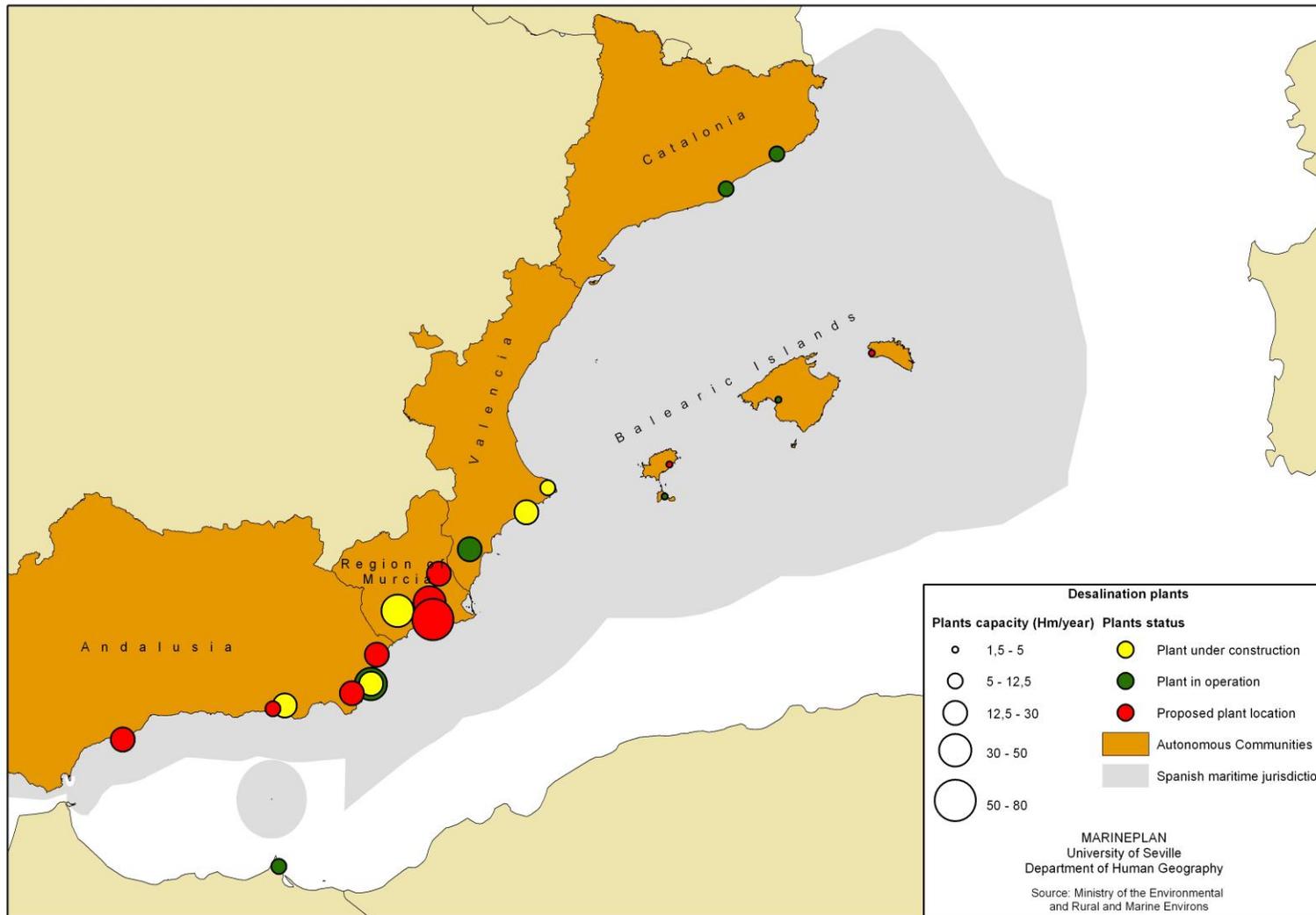
Map 5. Offshore wind energy



Map 6. Marine Protected Areas



Map 7. Desalination Plants



Map 8. Act on Protection of Marine Environment (2010). Subdivisions

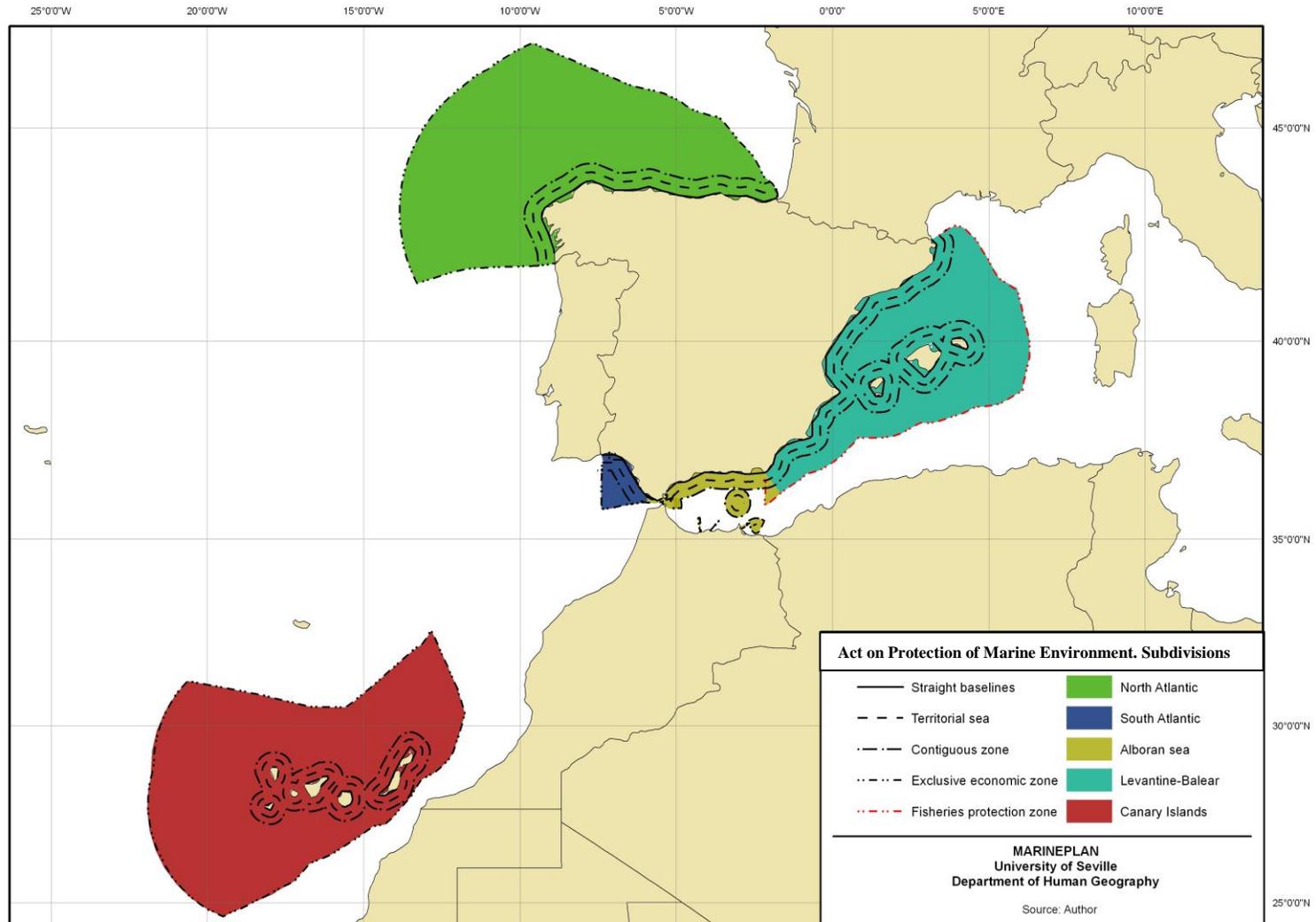


Table 7. Act on Protection of Marine Environment (2010). Subdivisions.

		Mediterranean Sea		
North Atlantic sq. km	South Atlantic sq. km	Alboran Sea sq. km	Levantine-Balear sq. km	Canary Islands sq. km
<b>351 813</b>	<b>15 230</b>	<b>30 592</b>	<b>232 378</b>	<b>490 337</b>
<b>31.58 %</b>	<b>1.36 %</b>	<b>2.73 %</b>	<b>20.74 %</b>	<b>44.08 %</b>

Source: Author.

Annex XI. Atlas for marine spatial planning.

An atlas for marine spatial planning has been elaborated at the University of Seville. The atlas is not an official document but an academic research product designed as a support for maritime policies and possible planning initiatives. The attached document is a brief summary of an 300 pages containing different scale maps and complementary information on sea uses and governance.



