



# The Governance of Land Use

## COUNTRY FACT SHEET SPAIN

### The planning system

#### *Levels of government and their responsibilities*

Spain is defined by the OECD as a quasi-federal state with 4 levels of government; the national government, 17 autonomous communities, 50 provinces and 8 119 municipalities. The division of powers regarding land-use policy is specified in the constitution and in other national legislation. The constitution assigns responsibility for spatial planning to the autonomous communities, but the national government prepares framework legislation that guides regional laws. Furthermore, the national government has important powers in policy fields related to spatial planning. It can impose environmental legislation and related legislation that affects the possibilities to develop land. It also prepares a sectoral plan for national infrastructure, for example related to transport and energy. However, according to a decision of the constitutional court, it has no authority to prepare a general national spatial plan.

Autonomous communities develop and complement the basic national framework legislation concerning land use by establishing their own legislative framework on land-use planning. Within the limits set by the national framework, this allows them to establish their own comprehensive planning systems. This includes, for example, the definition of the requirements of municipal master plans to delineate land as “suitable for urban development”, as “not suitable” or as “protected according to its environmental, natural cultural, etc. value”: and the definition and the content of the different planning instruments. Most regions have adopted a hierarchical system in which the regional government is responsible for preparing a regional spatial plan that is binding for municipal governments. Depending on the region, regional governments are also responsible for issuing building permits for specific development projects, such as large scale or particularly sensitive projects.

Intermediate levels of governments in some autonomous communities prepare land-use plans that have varying content. Frequently, they also establish *Provincial Subsidiary Regulations (Normas Subsidiarias Provinciales)* whose primary role is to steer development in municipalities or areas of a province that have not yet approved a *Municipal Urban Master Plan*. They are detailed regulations that specify under which conditions development is permitted if no *Municipal Urban Master Plan* exists. Furthermore, the *Subsidiary Regulations* may contain guidelines for municipalities concerning the preparation of local plans.

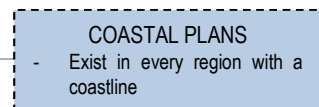
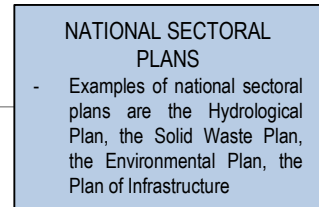
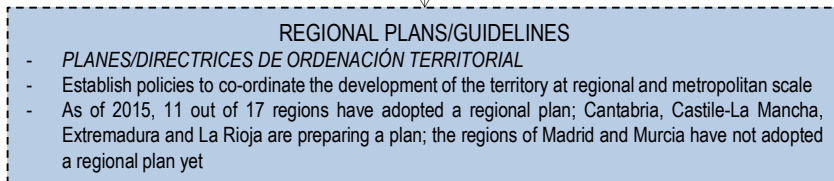
Municipalities are the main actors in land-use planning. They prepare and enact local plans, which vary in their details between regions. In general, medium size and small municipalities adopt a simplified version of the Master Plan, with very similar contents. Only very small municipalities have no land-use plans; in this case, the conditions and restrictions to urban development are usually set up by the *Provincial Subsidiary Regulations*. In most cases, municipalities are also responsible for assessing applications for building permits.

## Organisation of spatial and land-use planning in Spain

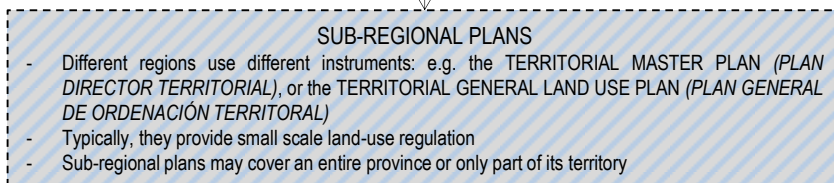
General framework  
National

Sectoral Plans

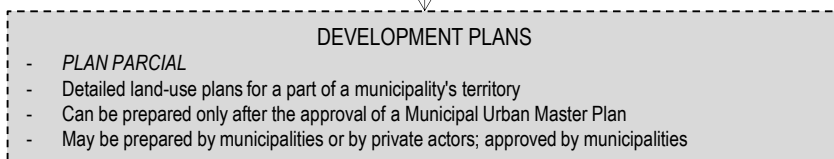
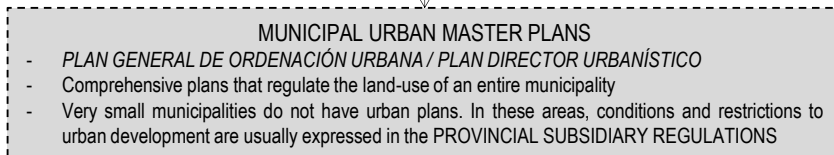
Regional



Intermediate



Municipal



- Sub-ordinate plans must conform
- Sub-ordinate plans do not need to conform
- Primarily policy / strategic guidelines
- Primarily land-use plans
- Strategic and land-use guidelines
- Partial geographical coverage

*Note:*  
The regulation of land use planning system in Spain is under the authority of the regions and its characteristics may vary significantly from region to region. This diagram represents a typical structure but is not representative in all instances.

## ***Spatial and land-use plans***

According to a ruling of the Constitutional Court, the national government is not allowed to prepare a national-level spatial plan for Spain. However, it may prepare sectoral plans and does so for several policy fields (i.e. the *Hydrological Plan*, the *Solid Waste Plan*; *Environmental Plans*, the *Plan of Infrastructure*).

On the regional and local level, the system of plans differs between autonomous communities. Typically, a *Regional Plan* exists at the level of the autonomous community that guides and co-ordinates planning at the local level. Furthermore, all coastal regions have prepared a *Coastal Plan* in order to deal with the particular development pressures and environmental sensitivities along the coast.

Hierarchically below the regional level, sub-regional *Territorial Plans* are prepared by intermediate levels of government (e.g. *Comarcas*) in some autonomous communities. Their content and geographical scope varies between autonomous communities. In some cases, they focus only on selected areas of high importance or on areas for which no local land-use plans exists, whereas in others they cover the entire jurisdiction of the subnational government.

The main land-use plans at the local level tend to be *Municipal Urban Master Plans* – comprehensive master plans for municipalities. In all autonomous communities, these plans may contain legally binding regulation for land owners. In geographical sectors that have been designated as suitable for development by *Municipal Urban Master Plans*, the conditions for development are further elaborated on at the second stage by the sector's *Development Plan*, a detailed plan that shows permitted land use and regulates building conditions for each individual plot included in the sector.

## ***Major laws and regulations***

At the national level, the *Law on Land and Urban Development* contains the main legislative elements related to spatial planning that are within the competence of the national government. It is supplemented by varying framework legislation enacted by the autonomous communities.

## ***Co-ordination mechanisms***

All 17 Spanish regions use a hierarchical model of planning, in which lower level plans must comply with higher levels. Thus, co-ordination between levels of government in a narrow sense is provided by the requirement that local planning follows the plans established at the regional level. Co-ordination also occurs through administrative consultation requirements between levels of government. The hierarchical planning system guarantees that lower level plans are in accordance with higher level plans; at the same time, higher level plans may on purpose include ambiguous elements to ensure sufficient flexibility at the local level.

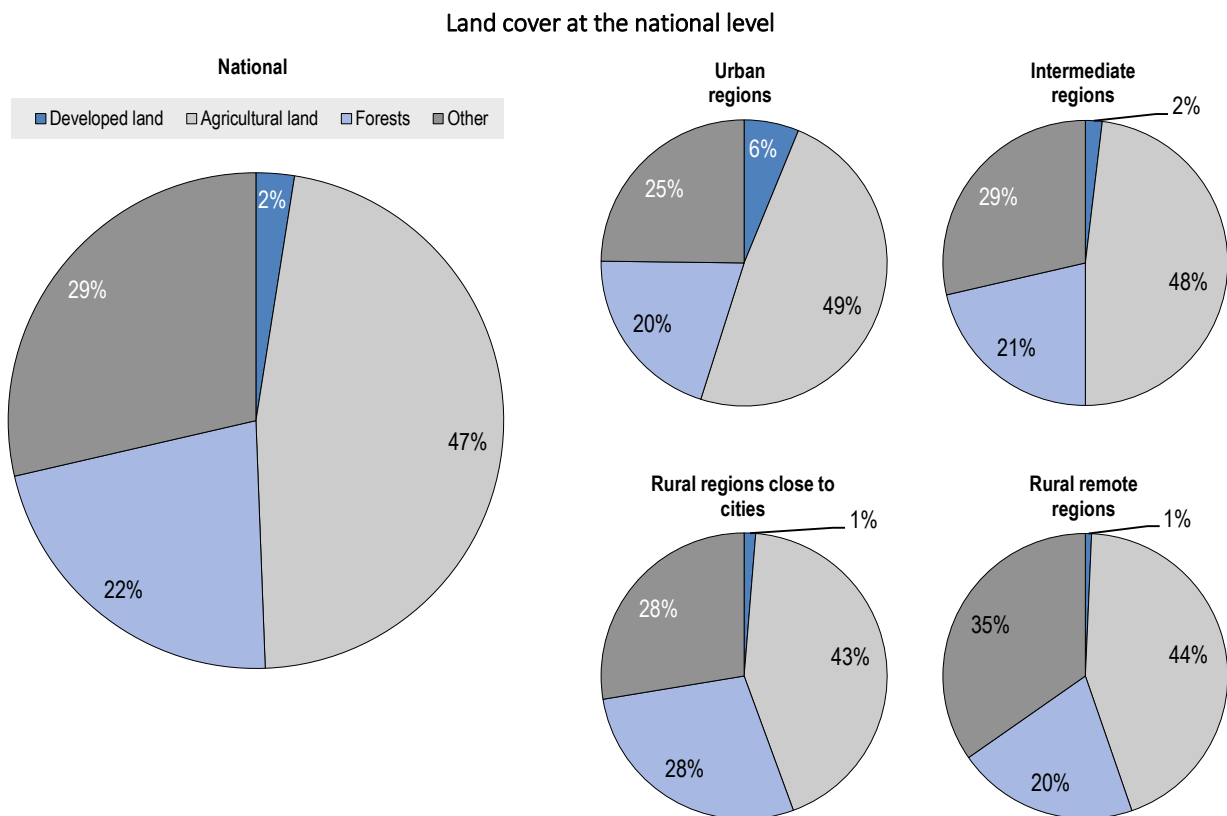
## Expropriations

Expropriation is possible as long as it is in the public interest. Among possible reasons for expropriation are infrastructure construction, housing development and resource extraction.

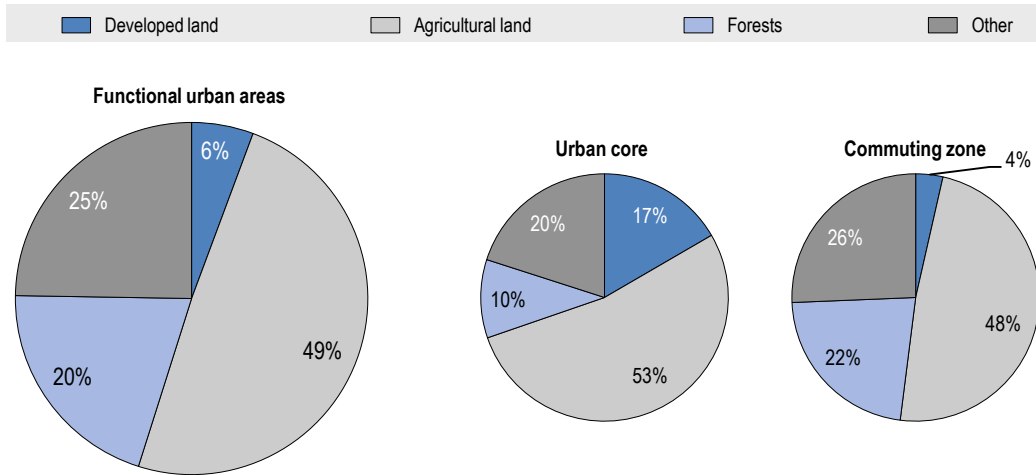
## Recent and planned reforms to the system of land-use planning

The current system of land-use planning was introduced with the Constitution of 1978, which assigned the responsibility for spatial planning and urban development to the autonomous communities. Subsequently, autonomous communities established their own planning systems starting with Catalonia in 1983. Since then, reforms at the regional level have occurred at varying points in time and especially after 2000 as regions adapted to the new principles and objectives of the European Spatial Planning Perspective.

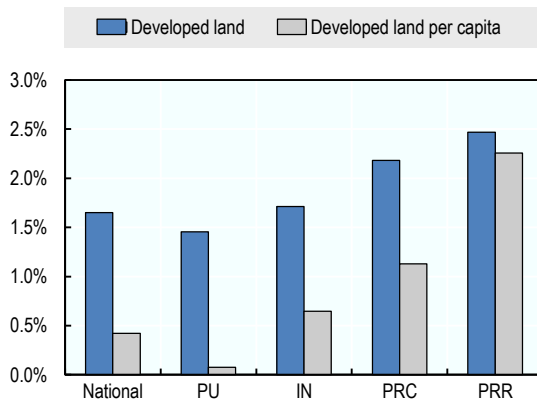
## Land cover in Spain



### Land cover in functional urban areas (FUAs)

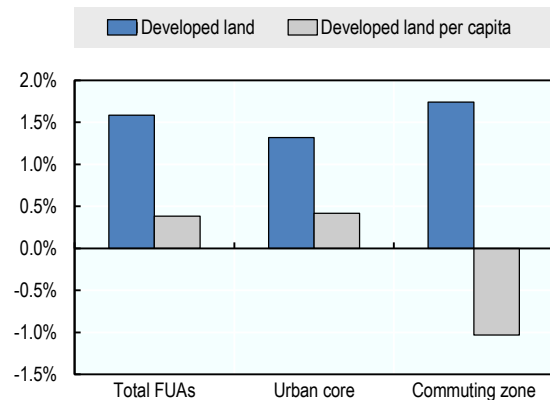


### Annual change in developed land, 2000-12



Note: PU: urban regions, IN: intermediate regions, PRC: rural regions close to cities, PRR: rural remote regions.

### Annual change in developed land in functional urban areas from 2000 to 2012



Note: Values for urban cores and commuting zones refer only to FUAs with more than 500 000 inhabitants.

### Land-use trends in Spain

Spain had the highest growth of developed land between 2000 and 2012 of all 28 analysed OECD countries. Developed land grew on average by 1.6% annually, which implies a total increase of approximately 22% over the entire time period. As Spain experienced significant population growth over the same time, the per capita area of developed land grew by only 0.4% annually. While this is still high compared to the OECD average, it is more closely in line with several other OECD countries. Compared to many other OECD countries, Spain is unusual as it experienced strong growth of developed land in the core parts of its metropolitan areas – to a degree that the growth in developed land was stronger than population growth. The increase in developed land was accompanied by a decrease in land covered with forests (which declined by a total of 1 930 square kilometres) and a somewhat smaller decrease in agricultural lands.

Source: OECD calculations based on *Corine Land Cover dataset*.

## Land cover at the national level in Spain

Land cover (km <sup>2</sup> )	National	Urban regions	Intermediate regions	Rural regions close to cities	Rural remote regions
Total area	506 061	100 672	256 711	67 334	81 344
Total developed land	12 609	6 232	4 912	859	606
Percentage of total	2.5%	6.2%	1.9%	1.3%	0.7%
Annual change in developed land, 2000-12	187.4	82.7	75.5	16.3	12.8
Annual percentage change in developed land, 2000-12	1.65%	1.46%	1.71%	2.18%	2.47%
Agricultural land	237 369	49 058	123 501	29 052	35 757
Percentage of total	46.9%	48.7%	48.1%	43.1%	44.0%
Annual change in agricultural land, 2000-12	-83.3	-58.4	-14.9	-10.3	0.4
Annual percentage change in agricultural land, 2000-12	-0.04%	-0.12%	-0.01%	-0.04%	0.001%
Forests	111 141	20 474	55 027	18 876	16 764
Percentage of total	22.0%	20.3%	21.4%	28.0%	20.6%
Annual change in forests, 2000-12	-160.8	-20.8	-88.8	-20.6	-30.6
Annual percentage change in forests, 2000-12	-0.14%	-0.10%	-0.16%	-0.11%	-0.18%
<b>Land cover per capita (m<sup>2</sup>)</b>					
Total developed land per capita	269	225	313	389	481
Annual percentage change in developed land per capita, 2000-12	0.42%	0.08%	0.65%	1.13%	2.26%
Agricultural land per capita	5 070	1 774	7 867	13 156	28 388
Annual percentage change in agricultural land per capita, 2000-12	-1.24%	-1.48%	-1.06%	-1.07%	-0.21%
Forests per capita	2 374	740	3 505	8 547	13 309
Annual percentage change in forests per capita, 2000-12	-1.35%	-1.46%	-1.21%	-1.14%	-0.39%

## Land cover in functional urban areas (FUAs)

Land cover in FUAs (km <sup>2</sup> )	FUAs	Urban core	Commuting zone
Total area	119 048	19 360	99 688
Total developed land	6 756	3 218	3 538
Percentage of total	5.7%	16.6%	3.5%
Annual change in developed land, 2000-12	96.8	38.7	58.1
Annual percentage change in developed land, 2000-12	1.58%	1.31%	1.84%
Agricultural land	58 576	10 279	48 298
Percentage of total	49.2%	53.1%	48.4%
Annual change in agricultural land, 2000-12	-68.6	-28.4	-40.2
Annual percentage change in agricultural land, 2000-12	-0.12%	-0.27%	-0.08%
Forests	24 267	1 983	22 284
Percentage of total	20.4%	10.2%	22.4%
Annual change in forests, 2000-12	-25.5	-3.2	-22.2
Annual percentage change in forests, 2000-12	-0.10%	-0.16%	-0.10%
<b>Land cover per capita in FUAs (m<sup>2</sup>)</b>			
	FUAs (50 000+ inhabitants)	Urban core (only FUAs 500 000+)	Commuting zone (only FUAs 500 000+)
Total developed land per capita	215	115	330
Annual percentage change in developed land per capita, 2000-12	0.38%	0.42%	-1.03%
Agricultural land per capita	1 864	102	3 015
Annual percentage change in agricultural land per capita, 2000-12	-1.30%	-1.91%	-2.85%
Forests per capita	772	29	1 081
Annual percentage change in forests per capita, 2000-12	-1.29%	-0.97%	-2.86%

Source: All land cover statistics for Spain are based on OECD calculations based on *Corine Land Cover dataset*.