

Planning Law

Code: 102225
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

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Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: No

Prerequisites

There are no prerequisites for taking the subject of Urban Law, but it is advisable to have passed the subjects of Administrative Law I, II and III.

Objectives and Contextualisation

The objective of the subject is to learn the use that can be given to the ground from the point of view of the urbanization and the construction. During the last decades, an expansive urbanism has been used, which has not taken into account the preservation of natural resources. but the ground is a scarce resource, which can not be reproduced, so you have to be very careful about the destiny we give you. For this reason, a concept has arisen, that of "sustainable urban development" that attempts to combine the real needs of population and industrial growth with the protection of natural resources, in order to preserve the quality of life of our generation and of the future generations Likewise, this orientation means that not so much emphasis is placed on urban growth, but on its recovery, through urban regeneration policies.

We will analyze the origins of urban planning and the different phases that must be carried out to build a new city or to regenerate it, and we will also focus attention on a problem intimately linked to urban planning policies: the relationship between constitutional law to a decent and adequate housing and the mechanisms to make it effective.

Content

PROGRAM

ITEM 1. Urbanism and the planning of the territory. Urban law: concept and legal nature. The right to property and its civil law regulation. Content: urban planning regime of land ownership, urban planning, urban management and urban discipline.

ITEM 2. Origin and historical evolution of urbanism. Predecessors. The nineteenth-century enlargement legislation and inner reform. The post-war legislation until the 1956 Law on land and urban planning. The Law on the reform of the land regime and urban planning of 1975. The Reformed Text of 1976. The Spanish Constitution of 1978 and the distribution of competences between the State, the autonomous communities and

the municipalities in urban planning matter. The state regulations until STC 61/1997, of March 20, and its impact on the competency distribution. The current state and autonomous regulations.

ITEM 3. The administrative city-planning organization at the state, regional and municipal level. The entities collaborative urban planning.

ITEM 4. The urban planning regime of ownership. The classification of land: urban, not urbanizable and urbanizable. The rights and obligations of landlords.

ITEM 5. Territorial and urban planning (I). Concept and legal nature of the plan. Territorial planning. The General Territorial Plan of Catalonia. The partial and sectoral territorial plans and the master plans.

ITEM 6. Territorial and urban planning (II). The general and derived urban planning. General planning: urban planning plan; town planning plan; planning rules town planning; municipal urban development program. The reservation for sheltered housing and the housing projects (ARE). Derivative planning: urban improvement plan, urban partial plan, special. urban planning. Urban standards.

ITEM 7. Preparation and approval of the plans. Preparatory acts: the suspension of the granting of licenses town planning. The procedure for drawing up and processing the plans. The citizen participation program. The effects of the final approval and the publication of the planning. Validity, modification and revision of the plans. The citizen participation in the formulation of the planning.

ITEM 8. Town planning management. Prerequisites for the execution of the planning. The delimitation of polygons of urban action. The processing of urban management instruments. The management systems. The projects of basic and complementary urbanization works.

ITEM 9. The instruments of the land and housing policy. The PAUM. The public patrimony of soil and of housing. Surface law. Scoring and withdrawal rights. The obligation to urbanize and to build.

ITEM 10. The intervention in the construction and the use of the ground and the subsoil. The urban license. The acts subject to license. Competence and award procedure. The administrative silence. Expiration of the license. Urban plots. Execution orders. The declaration of ruin. The buildings were out of order.

ITEM 11. The protection of urban law. Restoration of altered physical reality. Discipline urban planning: sanctioning city planning law. Infringements and urban sanctions. The sanctioning file. The Criminal liability derived from the commission of infractions. The crimes against the planning of the territory and the principle of "non bis in idem".