

Planning Law

Code: 102225
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	1

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

External teachers

Lluís Cases Pallarès

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.

Group 1

The subject is taught in Catalan.

Lecturers:

Dr. Lluís Cases Pallarès, lecturer of administrative law, UAB

Dr. Judith Gifreu Font, lecturer of administrative law, UAB

Objectives and Contextualisation

The objective of the subject is to know 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.

Competences

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- Present information in a way that is appropriate to the type of audience.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Applying the legal standards to concrete cases.
2. Defining the legal administrative language.
3. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
4. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
5. Explaining the administrative legal standards.
6. Managing bibliographic and documentary resources: databases, browsing, etc.
7. Present information in a way that is appropriate to the type of audience.
8. Reflecting on administrative standards.
9. Searching sentences, articles, etc. in legal databases.
10. Students must be capable of expressing themselves with legal-administrative terminology.
11. Using the computing legal sources of information.
12. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

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 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".

Methodology

The development of the subject will consist of the theoretical-practical exposition of the subjects of the program by the teacher, which will be combined with the resolution of practical cases (preferably resolved in the classroom).

The schedule of the course, with the dates of the activities that are evaluated, is located in the Campus Virtual.

Attention: e-mails requesting information already contained in this guide or in the Virtual Campus will not be answered.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical lessons	22.5	0.9	1, 9, 3, 10, 4, 6, 7, 8, 12, 11
theoretical classes	22.5	0.9	1, 2, 5, 10, 8, 12, 11
Type: Autonomous			
Assessment	5	0.2	1, 9, 2, 3, 10, 4, 6, 7, 8, 12, 11
Different readings (law, doctrine, jurisprudence)	25	1	1, 9, 3, 4, 8, 12, 11
Preparation and resolution of practical exercises	25	1	1, 9, 3, 5, 10, 4, 6, 8, 12, 11

Assessment

The course foresees 2 types of assessment:

1.- Continuous assessment. The assessment will consist of the resolution in the classroom of 4 practical cases (in groups and/or individually) on the content of the programme (50% of the final grade) and the oral presentation of a practical work on the application of urban planning in a specific area (50% of the final grade). In the continuous assessment, class attendance is compulsory. In the case of absence with due justification (illness, force majeure or similar), one of the 4 evaluable practicals may be missed, which will be made up at the end of the course; if it is not justified, the practical will be counted with a zero.

2.- Final assessment. Students who, for justified reasons and with prior authorisation from the teacher, are unable to attend classes, may be assessed on the day officially set for the examination of the course by means of a written exam (50%) and two practical cases on the content of the course program (25% + 25%).

A student who cheats or tries to cheat in an exam will be given a 0. A student who submits a paper or a practical exercise in which evidence of plagiarism can be identified will be given a 0 and will receive a warning.

Students may opt for re-evaluation provided that they have obtained a minimum mark of 3 out of 10. The re-evaluation will consist of a written exam (50%) and a practical on the content of the course program (50%).

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Elaboration and oral defense of a practical work	50% (5 p.)	2	0.08	1, 9, 2, 3, 5, 10, 4, 6, 7, 8, 12, 11
case studies I (2 cases) + case studies II (2 cases)	50% (1,25 p. x4)	3	0.12	1, 9, 10, 11

Bibliography

1.- OBLIGATORY BIBLIOGRAPHY

[Gifreu Font, Judith \(2019\), Sóc regidor d'urbanisme i ara què?. Les principals preguntes, 4a ed., ACM- UAB, Barcelona](https://www.acm.cat/actualitat/publicacions/04-soc-regidor-durbanisme-i-ara-que-mandat-2019-2023)
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2.- RECOMMENDED BIBLIOGRAPHY

- AAVV. Urbanismo y vivienda, Colex, 2019.

- AZPITARTE, Joaquín, Urbanismo y libertad. Cómo la legislación urbanística afecta a la economía y a la empresarialidad, Unión Editorial, 2019.

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- GÓMEZ MANRESA, M. Fuensanta, Urbanismo y contratación pública, Revista Aranzadi de Urbanismo y Edificación, 2011.
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- QUINTANA LÓPEZ, Tomás (dir.), Urbanismo sostenible. Rehabilitación, regeneración y renovación urbanas, Tirant lo Blanch, 2015.
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- SANCHO MARTÍNEZ, Ana, Ciudades conciliadoras: urbanismo y género, Thomson Reuters Aranzadi, 2020.
- TRAYTER JIMÉNEZ, Joan Manuel, Derecho Urbanístico de Cataluña, 7 Ed., Atelier, 2019.
- VILLANUEVA LÓPEZ, Ángel, Las órdenes de ejecución por razón de conservación de la edificación, El Consultor de los Ayuntamientos, 2019.

Software

The subject does not require any specific software.